



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश शासन द्वारा प्रकाशित

खंड V]

शिमला, शनिवार, 15 जून, 1957

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सूचना

तारीख 15 जून, 1957 ई० को समाप्त होने वाले सप्ताह में निम्नलिखित "असाधारण राजपत्र, हिमाचल प्रदेश" प्रकाशित हुए:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. LR. 1-80/55-(2), dated 12-9-56	Law Department	1. The Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956 (No. 36 of 1956). 2. The States Reorganisation Act, 1956 (No. 37 of 1956). Reproduction of Election Commission India's Notification No. 464/15/57/(3), dated 8-6-57.
No. El. 8-79/57, dated 12-6-57	Election Department	

भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के उपराज्यपाल और जुडिशल कमिशनरज कोर्ट द्वारा अधिसूचनाएं इत्यादि

HIMACHAL PRADESH ADMINISTRATION

APPOINTMENTS DEPARTMENT

NOTIFICATIONS

Simla-4, the 3rd June, 1957

No. A. 37-26/55.—The Lieutenant Governor, Himachal Pradesh, is pleased to abolish the Departmental Promotion Committee for promotion to Class I posts in the General Administration Department shown at S. No. 6 of para 2 of this Administration's Notification of even number, dated the 1st April, 1957, as the functions of

that Committee will be performed by the Committee constituted for the Appointment Department vide S. No. 1 of para 1 of the Notification referred to above.

Copy of notification No. A. 37-26/55, dated the 1st April, 1957 from the Chief Secretary to Himachal Pradesh Administration.

Departmental Promotion Committees for promotion of all Class I posts under the Himachal Pradesh Government, except the posts of Chief Secretary, Finance Secretary and Inspector General of Police, were constituted and notified vide Himachal Pradesh Government's Notifications No. A. 37-26/55, dated the 25th August, 1955,

and 24th November, 1955. Consequent upon the re-organisation of Departments in Himachal Pradesh Administration, re-constitution of these Committees in respect of the Appointment; Secretariat Administration; Revenue and Excise; Public Works; Industries; and Civil Supplies, Co-operative and Panchayat Departments became necessary. The Union Public Service Commis-

sion have approved the reconstitution of the Committees in respect of the aforesaid Departments. The Lieutenant Governor, Himachal Pradesh, in partial modification of the orders contained in the Notifications referred to above, is accordingly pleased to reconstitute the following Departmental Promotion Committees for promotion to Class I posts:—

Sl. No. 1	Name of Department 2	Constitution of the Committee 3
1	Appointment (in-so-far as it deals with Extra Assistant Commissioners and Assistant Secretaries).	1. Member of the U. P. S. C. 2. Financial Commissioner 3. Chief Secretary <i>Note.</i> —So long as the posts of Chief Secretary and Financial Commissioner are held by the same officer, Development Commissioner will be a Member of the Committee.
2	Secretariat Administration	1. Member of the U. P. S. C. 2. Chief Secretary 3. Finance Secretary
3	Revenue and Excise	1. Member of the U. P. S. C. 2. Financial Commissioner 3. Chief Secretary <i>Note.</i> —So long as the posts of the Chief Secretary and Financial Commissioner are held by the same officer, Development Commissioner, will be a Member of the Committee.
4	Public Works	1. Member of the U. P. S. C. 2. Chief Secretary 3. Chief Engineer
5	Industries	1. Member of the U. P. S. C. 2. Secretary, Industries 3. Director of Industries <i>Note.</i> —So long as the posts of Secretary, Industries and Director of Industries are held by the same officer, Registrar, Co-operative Societies will substitute the Director of Industries.
6	Civil Supplies, Co-operative & Panchayats	1. Member of the U. P. S. C. 2. Secretary, Civil Supplies, Co-operative and Panchayats. 3. Registrar, Co-operative Societies <i>Note.</i> —So long as the posts of Secretary, Civil Supplies, Co-operative and Panchayat Departments and Registrar, Co-operative Societies are held by the same officer, Development Commissioner will also be a Member in place of the Registrar, Co-operative Societies.

2. The Departmental Promotion Committees in respect of other Departments for promotion to Class I posts remain unaffected. These Committees are, however, shown below for facility of reference:—

Sl. No. 1	Name of Department 2	Constitution of the Committee 3
1	Medical and Public Health	1. Member of the U. P. S. C. 2. Secretary, Medical 3. Director of Health Services
2	Agriculture including Veterinary	1. Member of the U. P. S. C. 2. Secretary, Agriculture 3. Director of Agriculture
3	Forests and Fisheries	1. Member of the U. P. S. C. 2. Secretary (Forests) 3. Chief Conservator of Forests
4	Transport	1. Member of the U. P. S. C. 2. Chief Secretary 3. General Manager
5	Education	1. Member of the U. P. S. C. 2. Chief Secretary 3. Judicial Secretary
6	General Administration	1. Member of the U. P. S. C. 2. Chief Secretary 3. Finance Secretary
7	Home (Police)	1. Member of the U. P. S. C. 2. Chief Secretary 3. Inspector General of Police
8	Development	1. Member of the U. P. S. C. 2. Chief Secretary 3. Development Commissioner

3. As heretofore, the posts of Chief Secretary, Finance Secretary and Inspector General of Police, are outside the purview of these Committees.

Simla-4, the 6th June, 1957

No. Admn. 4-11/56.—The Lieutenant Governor, Himachal Pradesh is pleased to allow Shri Sant Ram, Senior Sub-Judge, Chamba to cross the efficiency bar in the scale of Rs. 250-25-300/30-510/30-600/40-800/50-850 at the stage of Rs. 510 raising his pay to Rs. 540 with effect from the 1-7-1955.

Simla-4, the 6th June, 1957

No. Admn. 4-35/55.—In exercise of the powers vested in him under Article 422 of the C. S. R., the Lieutenant Governor, Himachal Pradesh is pleased to condone the breaks of the periods shown below in services of the following Extra Assistant Commissioners:—

1. Shri Hari Ram, Magistrate 1st Class, Theog from 15-4-50 to 13-12-52,
 2. Shri Dharam Singh, Magistrate 1st Class, Chamba from 6-9-50 to 17-12-52,
- for purpose of pension.

Simla-4, the 12th June, 1957

No. Apptt. 1-367/57.—Shri Gian Chand Bali, Excise and Taxation Officer, Himachal Pradesh, is granted 13 days leave with effect from the 30th March, 1957, to the 11th April, 1957, with permission to affix Gazetted Holidays from the 12th to the 15th April, 1957, as under:—

- (i) Seven days earned leave from the 30th March to the 5th April, 1957;
- (ii) Six days leave on half pay from the 6th April to the 11th April, 1957.

K. N. CHANNA, I.A.S.,
Chief Secretary.

EDUCATION DEPARTMENT

CORRIGENDUM

Simla-4, the 7th June, 1957

No. E. 32-141/57.—Please read "2nd April, 1957, forenoon" for the existing wordings of "1st April, 1957, afternoon" occurring in the second paragraph of this Administration Education Department Notification of even number, dated the 28th May, 1957.

By order,
LAKSHMAN DASS,
Assistant Secretary.

MEDICAL & PUBLIC HEALTH DEPARTMENT

NOTIFICATION

Simla-4, the 6th June, 1957

No. M. 48-15/52.—In exercise of the powers vested in him under para 206 of the General Financial Rules, Volume I the Lieutenant Governor, Himachal Pradesh is pleased to frame the following rules:—

**Himachal Pradesh Administration
Lieutenant Governor's Welfare Fund**

RULES

Whereas requests are frequently received in the Medical and Health Department, for financial aid from medical institutions, individuals running dispensaries and individuals in distress in need of medical aid, and, whereas, many of them are deserving of help, but Administration's funds are not always available to render the help necessary. Now, therefore, it has been decided to constitute a fund called "The Lieutenant Governor's Welfare Fund".

1. The object of the Fund shall be the establishment of constructions of medical and health institutions of whatever nature, aid to existing medical health institutions in cash or kind, and to individuals in distress in need of medical help, promotion of social welfare, relief of communities in distress in need of medical help, which are deserving of such help and Administration's funds are not available to render the help necessary. Grant of aid will be governed by the rules laid down below.

2. Aid to individuals in distress in need of medical help, will be given in the form of medicines or cost of diet in an Administration's hospital or dispensary as the case may be, in the event of these being not provided in these institutions.

3. Medical and Health Institutions to whom aid is to be given should satisfy the following conditions:—

- (a) The Institution should be under competent management and medical treatment provided by it should be efficient.
- (b) The Institution should supply a distinct demand which cannot be sufficiently met by existing Administration hospitals and dispensaries.
- (c) The building of the Institution should be suitable for the purpose of the Institution.
- (d) The Institution and its records should be open at all reasonable times to the inspection of the specified Government officials recommending aid.
- (e) The Institution should furnish to Administration information and returns as may be prescribed by it from time to time.

4. Promotion of social welfare of the public will be from medical and health point of view.

5. Relief of communities in distress in need of medical help will be provided where such communities are backward economically and socially.

6. Aid to institutions, promotion of social welfare of public and relief of communities will be paid to a recognised body capable of suing and being sued in the court of law.

7. Aid will neither be given nor withheld on ground of religious or political considerations.

8. The Fund will neither be given nor withheld on ground of religious or political considerations.

9. The Fund will be administered by the Lieutenant Governor, Himachal Pradesh.

10. Donations from the public, to the Fund will be gratefully accepted with the approval of the Lieutenant Governor. Himachal Pradesh Administration will contribute annually to the Fund from its revenues.

11. A current account will be opened in the State Bank of India, Simla, in the name of Lieutenant Governor's Welfare Fund.

12. Accounts of the Fund will be maintained by the Director of Health Services, Himachal Pradesh.

13. No Institution or community shall be paid more than Rs. 500 (Rupees five hundred) as aid in one year.

14. No individual shall be given an aid of more than Rs. 200 (Rupees two hundred).

15. Aid to an individual, community, institutions etc., will be given by Lieutenant Governor at his discretion or as laid down in rule 15 below.

16. Aid to an institution or community will be given on the recommendations or report of the Deputy Commissioner and that to an individual on the recommendations of the District Medical Officer. Payment of such aid will also be made through the authority making the recommendations and that authority will satisfy itself that the aid has been actually spent or utilised by the institution, community or the individual concerned for the purpose for which it was given and the authority concerned will submit a certificate to that effect to the Lieutenant Governor, Himachal Pradesh.

17. The Administration grant to the Fund will be subject to the following conditions:—

- (i) that the grant will be spent upon the subject within a reasonable time, if no time limit is fixed by the sanctioning authority;
- (ii) any portion of the amount which is not required for expenditure upon that object, will be surrendered to Government.
- (iii) Only that much of the amount will be drawn

during any financial year as is likely to be expended during that year.

18. The accounts of the funds shall be subject to audit by the Accountant General, Punjab.

19. **Cash Book.**—A cash book in the form, a specimen of which is given in the schedule to these rules will be maintained. The particulars of cash donations received and issued to individuals and institutions will be entered thereon. The cash deposited into and withdrawn from the bank will also be entered in the bank column. It shall be closed every month and amount verified. The closing balance of the previous month, being noted as opening balance of the next month, on the first day of that month. The balance in the bank cash book every month.

20. **Stock Register.**—A simple stock register showing particulars of donations in kind, received, issued and their balance with value, will be maintained in the form, a specimen of which is given in the schedule to these rules. This register will be closed every month and the balance verified with the actual balance in stock every year and the requisite certificate recorded in the register by the Director of Health Services, Himachal Pradesh.

21. **Receipt Forms.**—Receipt of donations received will be issued to the donors in the form a specimen of which is given in the schedule to these rules. The form will be in book form and will have foils and counter foils. They will be machine numbered. The receipts will be signed by the Director of Health Services, Himachal Pradesh, on behalf of the Lieutenant Governor, Himachal Pradesh. The receipt book will remain in the personal custody of the Director of Health Services.

22. The donations received in cash/kind in the mufasil stations for the fund, will be sent to the Director of Health Services by the officer concerned by money orders/parcels for custody and disbursement to the Institutions/individuals in need of help.

23. A list of the registers and forms to be maintained with specimens of each is given in the Schedule to these rules.

R. C. GUPTA,
Assistant Secretary.

RECEIPT FORM

Himachal Pradesh, Lieutenant Governor's Welfare Fund

Received with thanks, a cash donation/contribution, Rs. (Rupees.....) from Shri..... towards Himachal Pradesh Lieutenant Governor's Welfare Fund

Signature,
Lieutenant Governor,
Himachal Pradesh.

Dated.....195 .

RECEIPT FORM

Himachal Pradesh, Lieutenant Governor's Welfare Fund

Received with thanks, in kind a donation/contribution of (name of article)..... valuing Rs. (Rupees.....)

from Shri.....towards Himachal Pradesh Lieutenant Governor's Welfare Fund.

Signature,
Lieutenant Governor,
Himachal Pradesh.

Dated.....195 .

CASH BOOK

RECEIPTS:

1. Book No. and date of receipt form.
2. Particulars.
3. Amount received.
4. Total.
5. Date.
- Bank Account—
6. Particulars.
7. Amount.
8. Total.

PAYMENT:

9. Date.
10. Voucher No.
11. Particulars.
12. No. and date of orders of sanctioning authority.
- Bank draft—
13. Date.
14. Particulars
15. Amount.
16. Total.

STOCK REGISTER

RECEIPTS:

1. No. and date of receipt form.
- Article received—
2. Name.
3. Quantity.
4. Value.
5. Date.
6. Name of article.

ISSUES:

7. Quantity.
8. Balance.
9. Value of Balance.

FORM IV

Form of account in respect of Medicines purchased for disbursement to deserving patients, out of Lieutenant Governor's Welfare Fund.

Name and Particulars.

RECEIPT:

1. Previous balance.
2. Name of supplier.
- Quantity received—
3. Name of articles.
6. Quantity.
5. Value.
6. Date.
7. Name of article.
8. Quantity issued.

ISSUE:

9. Value of issue.
10. Balance.
11. Value of balance.
12. To whom issued.
13. Remarks and signature of drawing and disbursing officer.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि।

शून्य

भाग 3—वैधानिक नियम तथा हिमाचल प्रदेश के उपराज्यपाल, जुडिशल कमिशनरज कोर्ट, फाइनेन्शल कमिशनर, कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि।

शून्य

भाग 4—स्थानीय स्वायत्त शासन: म्युनिमिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटीफाइड और टाउन एरिया तथा पंचायत विभाग।

शून्य

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन।

शून्य

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन ।

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 24th September, 1956

No. LR. 1-63/56.—The following Acts recently passed by the Parliament of India and already published in the Gazette, of India, Extra-ordinary Part II, Section I, dated 1st September, 1956 and 4th September, 1956 respectively, are hereby republished in the State Gazette for the information of the general public:—

1. The Reserve Bank of India (Amendment) Act, 1956 (No. 38 of 1956).
2. The Code of Criminal Procedure (Amendment) Act, 1956 (No. 39 of 1956).
3. The Bihar and West Bengal (Transfer of Territories) Act, 1956 (No. 40 of 1956).
4. The Industrial Disputes (Amendment) Act, 1956 (No. 41 of 1956).
5. The Securities Contracts (Regulation) Act, 1956 (No. 42 of 1956).

LAKSHMAN DASS,
Assistant Secretary (Judicial).

Received Assent on 1-9-56

THE RESERVE BANK OF INDIA
(AMENDMENT) ACT, 1956

(38 OF 1956)

AN
ACT

further to amend the Reserve Bank of India Act, 1934.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Reserve Bank of India (Amendment) Act, 1956.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. **Amendment of section 19.**—In section 19 of the Reserve Bank of India Act, 1934 (2 of 1934) (hereinafter referred to as the principal Act), after the figures "18", the figures "42" shall be inserted.

3. **Amendment of section 33.**—In section 33 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Of the total amount of the assets, the amount of gold coin or gold bullion and the amount of foreign securities shall not at any time be less than one hundred and fifteen crores of rupees and four hundred crores of rupees respectively in value."

(b) in sub-section (4), for the figures "8.47512", the figures "2.88" shall be substituted.

4. **Substitution of new section for section 37.**—For section 37 of the principal Act, the following section shall be substituted, namely:—

"37. **Suspension of assets requirements as to foreign securities.**—Notwithstanding anything contained in the foregoing provisions, the Bank may, with the previous sanction of the Central Government, for periods not exceeding six months in the first instance, which may, with the like sanction, be extended from time to time by periods not exceeding three months at a time, hold as assets foreign securities of less amount in value than that required by sub-section (2) of section 33:

Provided that the amount of foreign securities so held shall not at any time be less than three hundred crores of rupees in value."

5. **Amendment of section 42.**—In section 42 of the principal Act,—

(a) for sub-section (1), the following sub-sections

shall be substituted, namely:—

"(1) Every bank included in the Second Schedule shall maintain with the Bank an average daily balance the amount of which shall not be less than five per cent. of the demand liabilities and two per cent. of the time liabilities in India of such bank as shown in the return referred to in sub-section (2):

Provided that the Bank may, by notification in the Gazette of India, increase the said rates to such higher rates as may be specified in the notification so however, that the rate shall not be more than twenty per cent., in the case of demand liabilities and more than eight per cent., in the case of time liabilities.

Explanation.—For the purposes of this section,—

(a) 'average daily balance' shall mean the average of the balances held at the close of business on each day of a week;

(b) 'week' shall mean the period from Saturday to the following Friday, both days inclusive;

(c) 'liabilities' shall not include the paid-up capital or the reserves, or any credit balance in the profit and loss account of the bank or the amount of any loan taken from the Bank, the State Bank, or any other bank notified by the Central Government in this behalf.

(1A) Notwithstanding anything contained in sub-section (1), the Bank may, by notification in the Gazette of India, direct that every scheduled bank shall, with effect from such date as may be specified in the notification, maintain with the Bank, in addition to the balance prescribed by or under sub-section (1), an additional average daily balance the amount of which shall not be less than the rates specified in the notification, such additional balance being calculated with reference to the excess of the demand and time liabilities of the bank as shown in the return referred to in sub-section (2) over its demand and time liabilities at the close of business on the date specified in the notification as shown by such return so however, that the additional balance shall, in no case, be more than such excess:

Provided that nothing in this sub-section shall make it necessary for any scheduled bank to maintain with the Bank any balance which shall be more than twenty per cent. of its demand liabilities and eight per cent. of its time liabilities as shown in the return referred to in sub-section (2).

(1B) Where any scheduled bank maintains, in pursuance of a notification issued under the proviso to sub-section (1) or under sub-section (1A), any balance with the Bank the amount of which is not less than that required to be maintained by such notification, the Bank may pay to the scheduled bank interest at such rate or rates as may be determined by the Bank from time to time on the amount by which such balance actually maintained is in excess of the balance which the scheduled bank would have to maintain, if no such notification was issued:

Provided that no interest shall be payable on any such amount actually maintained as is in excess of the balance required to be maintained by or under sub-section (1) or under sub-section (1A)."

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) If the average daily balance held at the Bank by a scheduled bank during any week is below the minimum prescribed by or under sub-section (1) or sub-section (1A), such scheduled bank shall be liable to pay to the Bank in respect of that week penal interest at a rate

of three per cent. above the bank rate on the amount by which such balance with the Bank falls short of the prescribed minimum, and if during the next succeeding week, such average daily balance is still below the prescribed minimum, the rates of penal interest shall be increased to a rate of five per cent. above the bank rate in respect of that week and each subsequent week during which the default continues on the amount by which such balance at the Bank falls short of the prescribed minimum";

- (c) in sub-section (3A), for the portion commencing with the words "if thereafter on the day fixed for the next return" and ending with the words "receiving after the said day any fresh deposit", the following shall be substituted, namely:—

"If thereafter the average daily balance held at the Bank during the next succeeding week is still below the prescribed minimum,—

- (a) every director, manager or secretary of the scheduled bank, who is knowingly and wilfully a party to the default, shall be punishable with fine which may extend to five hundred rupees and with a further fine which may extend to five hundred rupees for each subsequent week during which the default continues, and

- (b) the Bank may prohibit the scheduled bank from receiving after the said week any fresh deposit."

6. **Amendment of section 46A.**—In clause (b) of sub-section (2) of section 46A of the principal Act,—

- (a) the words "for agricultural purposes" shall be omitted; and

- (b) after the words "by the Bank", the words "and such loans and advances may be made for agricultural purposes or for such other purposes connected with the agricultural activities as the Central Board may, from time to time, by regulation or otherwise, determine" shall be inserted.

7. **Amendment of section 24 of the Banking Companies Act, 1949.**—In sub-section (2) of section 24 of the Banking Companies Act, 1949, (1 of 1949) for the words, brackets and figures "sub-section (1) of section 42", the word and figures "section 42" shall be substituted.

Received Assent on 1-9-56

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1956

(39 OF 1956)

AN
ACT

further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Code of Criminal Procedure (Amendment) Act, 1956.

2. **Amendment of section 435.**—In sub-section (1) of section 435 of the Code of Criminal Procedure, 1898 (5 of 1898) (hereinafter referred to as the principal Act), after the words "any sentence", the words "or order" shall be inserted.

3. **Amendment of section 438.**—In sub-section (1) of section 438 of the principal Act,—

- (a) after the words "a sentence", the words "or an order" shall be inserted; and

- (b) after the words "such sentence", the words "or order" shall be inserted.

THE BIHAR AND WEST BENGAL (TRANSFER OF TERRITORIES) ACT, 1956

(No. 40 OF 1956)

(1st September, 1956)

An Act to provide for the transfer of certain territories from Bihar to West Bengal and for matters, connected therewith.

BE it enacted by Parliament in the Seventh Year of

the Republic of India as follows:—

PART I PRELIMINARY

1. **Short title.**—This Act may be called the Bihar and West Bengal (Transfer of Territories) Act, 1956.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

- (a) "appointed day" means the 1st day of November, 1956;
- (b) "article" means an article of the Constitution;
- (c) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950 (43 of 1950);
- (d) "Election Commission" means the Election Commission appointed by the President under article 324;
- (e) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of Bihar or West Bengal;
- (f) "notified order" means an order published in the Official Gazette;
- (g) "population ratio" means such ratio as the Central Government may, by notified order, specify to be the ratio between the population as ascertained at the last census of the State of Bihar excluding the transferred territories and the population as so ascertained of the transferred territories;
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "sitting member" in relation to either House of Parliament or of the Legislature of a State means a person who, immediately before the appointed day, is a member of that House;
- (j) "transferred territories" means the territories transferred from the State of Bihar to the State of West Bengal by section 3;
- (k) "treasury" includes a sub-treasury.

PART II

TRANSFER OF TERRITORIES

3. **Transfer of territories from Bihar to West Bengal.**—

- (1) As from the appointed day, there shall be added to the State of West Bengal the territories which on the 1st day of March, 1956, were comprised in—

- (a) that portion of Kishanganj sub-division of Purnea district which lies to the east of the boundary line demarcated in accordance with the provisions of sub-section (2) by an authority appointed in this behalf by the Central Government and that portion of Gopalpur thana of the said district which lies to the east or north, as the case may be, of the said boundary line; and

- (b) Purulia sub-division of Manbhum district, excluding Chas thana, Chandil thana and Patamda police station of Barabhum thana; and the said territories shall thereupon cease to form part of the State of Bihar.

(2) The boundary line referred to in sub-section (1) shall be so demarcated as to be generally two hundred yards to the west of the highway in Purnea district connecting Dalkola, Kishanganj and Chopra with Siliguri in Darjeeling district and two hundred yards to the south or south-west of the highway in Purnea district connecting Dalkola and Karandighi with Raignanj in West Dinajpur district:

Provided that the boundary line shall be so demarcated as not to cut across any village or town:

Provided further that from the point where the first-mentioned highway meets the southern boundary of Kishanganj municipality to the point where it leaves the northern boundary of that municipality, the boundary line shall be the same as the boundary of that municipality on the east.

- (3) The territory specified in clause (a) of sub-section (1) shall be included in, and form part of, Darjeeling

district, and the territory specified in clause (b) of that sub-section shall form a separate district to be known as Purulia district within Burdwan division of the State of West Bengal.

(4) Nothing in sub-section (3) shall be deemed to affect the power of the State Government to alter after the appointed day the name, extent and boundaries of any district or division in the State of West Bengal.

4. Amendment of First Schedule to the Constitution.—As from the appointed day, in the First Schedule to the Constitution, in Part A, in the description of the territories of States,—

(a) after the paragraph relating to the territory of the State of Assam, the following paragraphs shall be inserted, namely:—

“The territory of the State of Bihar shall comprise the territories which immediately before the commencement of this Constitution were either comprised in the Province of Bihar or were being administered as if they formed part of that Province, but shall not include the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956.

The territory of the State of West Bengal shall comprise the territories which immediately before the commencement of this Constitution were either comprised in the Province of West Bengal or were being administered as if they formed part of that Province and the territory of Chandernagore as defined in clause (c) of section 2 of the Chandernagore (Merger) Act, 1954, and also the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956.”;

(b) in the last paragraph, the words, brackets, letter and figures “and in the case of the State of West Bengal, shall also comprise the territory of Chandernagore as defined in clause (c) of section 2 of the Chandernagore (Merger) Act, 1954,” shall be omitted.

PART III

REPRESENTATION IN THE LEGISLATURES

Council of States

5. Amendment of Fourth Schedule to the Constitution.—As from the appointed day, in the Fourth Schedule to the Constitution, in the Table of Seats, for the entries in the second column relating to Bihar and West Bengal, the entries “22” and “16” shall, respectively, be substituted.

6. Bye-elections to fill vacancies in the Council of States.—As soon as may be after the appointed day, bye-elections shall be held to fill the vacancies existing on that day in the seats allotted to Bihar and West Bengal.

7. Term of office of members of the Council of States.—In order that, as nearly as may be, one-third of the members of the Council of States may retire on the 2nd day of April, 1958, and on the expiration of every second year thereafter, the President shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members elected under section 6.

House of the People

8. Provision as to existing House of the People.—Nothing in section 3 shall be deemed to affect the extent of the constituency of any sitting member of the existing House of the People from Bihar.

Legislative Assemblies

9. Allocation of certain sitting members of the Bihar Legislative Assembly.—The sitting members of the Legislative Assembly of Bihar representing the Thakurganj, Karandighi, Para-cum-Chas and Bara bazar-cum-Chandil constituencies shall, notwithstanding the reduction in the extent of those constituencies by the transfer of portions thereof to West Bengal, continue to be members of the Legislative Assembly of Bihar; and the sitting

members of that Assembly representing any other constituency lying wholly or partly in the transferred territories shall, as from the appointed day, be deemed to have been elected to the Legislative Assembly of West Bengal and cease to be members of the Legislative Assembly of Bihar.

10. Duration of Legislative Assemblies of Bihar and West Bengal.—The changes in the composition of the Legislative Assemblies of Bihar and West Bengal under section 9 shall not affect their duration as provided in clause (1) of article 172.

Legislative Councils

11. Bihar Legislative Council.—(1) Any reference in the Delimitation of Council Constituencies (Bihar) Order, 1951, to the State of Bihar, Bhagalpur division or Chota Nagpur division shall be construed as excluding the transferred territories from that State or division, as the case may be.

(2) Every sitting member of the Legislative Council of Bihar representing a council constituency the extent of which is altered by virtue of sub-section (1) shall, as from the appointed day, be deemed to have been elected to the said Council by that constituency as so altered.

12. West Bengal Legislative Council.—(1) Any reference in the Delimitation of Council Constituencies (West Bengal) Order, 1951, to the State of West Bengal, Burdwan division or Darjeeling district shall be construed as including the transferred territories to that State, division or district, as the case may be.

(2) In the Table appended to the said Order, in the entry in the second column, against West Bengal West (Graduates) Constituency, after the word “Bankura”, the word “Purulia” shall be inserted.

(3) Every sitting member of the Legislative Council of West Bengal representing a council constituency the extent of which is altered by virtue of sub-section (1) or sub-section (2) shall, as from the appointed day, be deemed to have been elected to the said Council by that constituency as so altered.

Delimitation of Constituencies

13. Allocation of seats in the House of the People and assignment of seats to State Legislative Assemblies.—The number of seats in the House of the People allotted to Bihar and to West Bengal and the number of seats assigned to the Legislative Assembly of each of those States by order of the Delimitation Commission under the Delimitation Commission Act, 1952, (81 of 1952) shall be modified as follows:—

	No. of seats in the House of the People	No. of seats in the Legislative Assembly
Bihar ..	53	318
West Bengal ..	36	252

14. Modification of the Scheduled Castes and Scheduled Tribes Orders.—As soon as may be after the commencement of this Act, the President may, by notified order, make such modifications in the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950, as he thinks fit, having regard to the transfer of territories effected by section 3.

15. Determination of population of Scheduled Castes and Scheduled Tribes.—(1) After the said Orders have been so modified, the population as at the last census of the scheduled castes and of the scheduled tribes in Bihar and West Bengal shall be ascertained or estimated by the census authority in such manner as may be prescribed and shall be notified by that authority in the Gazette of India.

(2) The population figures so notified shall be taken to be the relevant population figures as ascertained at the last census and shall supersede any figures previously published.

16. Delimitation of constituencies.—(1) As soon as may be after the commencement of this Act, the Central Government shall, by notified order, appoint an authority—

(a) to determine on the basis of the population figures notified under section 15 the number of seats

to be reserved for the scheduled castes and the scheduled tribes of Bihar and of West Bengal in the House of the People and in the Legislative Assembly of each of those States, having regard to the relevant provisions of the Constitution and of this Act; and

- (b) to revise to such extent as may be necessary or expedient, having regard to the said provisions, the orders of the Delimitation Commission made under section 8 of the Delimitation Commission Act, 1952 (81 of 1952), with respect to Bihar and West Bengal.

(2) The said authority shall perform its functions in such manner and shall follow such procedure, as may be prescribed.

PART IV HIGH COURTS

17. Extension of jurisdiction of, and transfer of proceedings to, Calcutta High Court.—(1) Except as hereinafter provided,—

- (a) the jurisdiction of the High Court at Calcutta shall, as from the appointed day, extend to the transferred territories; and
(b) the High Court at Patna shall, as from that day, have no jurisdiction in respect of the transferred territories.

(2) Such proceedings pending in the High Court at Patna immediately before the appointed day as are certified by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court at Calcutta shall, as soon as may be after such certification, be transferred to the High Court at Calcutta.

(3) Notwithstanding anything contained in sub-sections (1) and (2), but save as hereinafter provided, the High Court at Patna shall have, and the High Court at Calcutta shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal to the Supreme Court, applications for review and other proceedings, where any such proceedings seek any relief in respect of any order passed by the High Court at Patna before the appointed day:

Provided that if, after such proceedings have been entertained by the High Court at Patna, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court at Calcutta, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court at Patna—

- (a) before the appointed day in any proceedings transferred to the High Court at Calcutta by virtue of sub-section (2) or
(b) in any proceedings with respect to which the High Court at Patna retains jurisdiction by virtue of sub-section (3),

shall, for all purposes, have effect, not only as an order of the High Court at Patna, but also as an order made by the High Court at Calcutta.

18. Right to appear in any proceedings transferred to Calcutta High Court.—Any person who immediately before the appointed day is an advocate entitled to practise in the High Court at Patna and was authorised to appear in any proceedings transferred from that High Court to the High Court at Calcutta under section 17 shall have the right to appear in the High Court at Calcutta in relation to those proceedings.

19. Interpretation.—For the purposes of sections 17 and 18,—

- (a) proceedings shall be deemed to be pending in the High Court at Patna until that Court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs;
(b) references to a High Court shall be construed as including references to a Judge or division court

thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

PART V

AUTHORISATION OF EXPENDITURE

20. Appropriation of moneys for expenditure in transferred Appropriation Acts.—(1) As from the appointed day, any Act passed by the Legislature of West Bengal before that day for the appropriation of any money out of the Consolidated Fund of the State to meet any expenditure in respect of any part of the financial year 1956-57 shall have effect also in relation to the transferred territories, and it shall be lawful for the State Government to spend any amount in those territories out of the amount authorised by such Act to be expended for any service in that State.

(2) The Governor of West Bengal may, after the appointed day, authorise such expenditure from the Consolidated Fund of the State as he deems necessary for any purpose or service in the transferred territories for any period not extending beyond the 31st day of March, 1957.

21. Distribution of revenues.—Section 3 of the Union Duties of Excise (Distribution) Act, 1953 (3 of 1953), and paragraphs 3, 4 and 5 of the Constitution (Distribution of Revenues) Order, 1953, shall, in respect of the financial year 1956-57 have effect subject to such modifications as the President may, by notified order, specify having regard to the transfer of territories effected by section 3 of this Act.

PART VI

APPORTIONMENT OF ASSETS AND LIABILITIES

22. Land and goods.—(1) Subject to the other provisions of this Part, all land and all stores, articles and other goods in the transferred territories belonging to the State of Bihar shall, as from the appointed day, pass to the State of West Bengal.

(2) Any unissued stores of any class in Bihar shall be divided between West Bengal and Bihar in proportion to the total indents for stores of that class made in the period of three years ending with the 31st day of March, 1956, for the transferred territories and for the rest of Bihar:

Provided that nothing in this sub-section shall apply to stores held for specific purposes such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction.

(3) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property and the expression "goods" does not include coins, bank notes and currency notes.

23. Treasury and bank balances.—The total of the cash balances in all treasuries of Bihar and the credit balances of Bihar with the Reserve Bank of India immediately before the appointed day shall be divided between that State and West Bengal according to the population ratio:

Provided that for the purposes of such division, there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balances of Bihar and West Bengal in the books of the Reserve Bank of India on the appointed day.

24. Arrears of taxes.—The right of Bihar to recover arrears of any tax or duty on property situate in the transferred territories, including land revenue, shall belong to West Bengal and the right of Bihar to recover arrears of any other tax or duty in any case where the place of assessment of that tax or duty is in the transferred territories shall also belong to West Bengal.

25. Right to recover loans and advances.—The right to recover any loans or advances made before the appointed day by Bihar to any local body, society, agriculturist or other person in the transferred territories shall belong to West Bengal.

26. Credits in certain funds.—The investments in the

cash balance investments account, the famine relief fund and the general fund of Bihar and the sums at the credit of Bihar in the central road fund shall be divided between Bihar and West Bengal according to the population ratio; and the investments in any special fund the objects of which are confined to the transferred territories or any part thereof shall pass to West Bengal.

27. Assets and liabilities of State undertakings.—(1) The assets and liabilities relating to any commercial or industrial undertaking of Bihar located in the transferred territories shall pass to West Bengal.

(2) Where a depreciation reserve fund is maintained by Bihar for any such commercial or industrial undertaking, the securities held in respect of investments made from that fund shall also pass to West Bengal.

28. Public debt.—(1) The public debt of Bihar attributable to loans raised by the issue of Government securities and outstanding with the public immediately before the appointed day shall continue to be the debt of Bihar:

Provided that—

- (a) West Bengal shall be liable to pay to Bihar a share of the sums due from time to time for the servicing and repayment of the public debt; and
- (b) for the purpose of determining the said share, the said debt shall be deemed to be divided between Bihar and West Bengal as if it were a debt referred to in sub-section (2).

(2) The public debt of Bihar attributable to loans taken from the Central Government, the Reserve Bank of India or any other bank before the appointed day shall be divided between Bihar and West Bengal in proportion to the total expenditure on all capital works and other capital outlays incurred up to the appointed day in the territories of Bihar excluding the transferred territories and in the transferred territories, respectively:

Provided that for the purposes of such division, only expenditure on assets for which capital accounts have been kept shall be taken into account.

(3) Where a sinking fund or depreciation fund is maintained by Bihar for the repayment of any loan raised by it, the securities held in respect of investments made from that fund shall be divided between Bihar and West Bengal in the same proportion as the public debt referred to in sub-section (2).

(4) In this section, the expression "Government security" means a security created and issued for the purpose of raising a public loan and having any of the forms specified or prescribed under clause (2) of section 2 of the Public Debt Act, 1944 (18 of 1944).

29. Refund of taxes collected in excess.—The liability of Bihar to refund any tax or duty on property situate in the transferred territories, including land revenue, collected in excess shall be the liability of West Bengal and the liability of Bihar to refund any other tax or duty collected in excess in any case where the place of assessment of that tax or duty is in the transferred territories shall also be the liability of West Bengal.

30. Deposits.—The liability of Bihar in respect of any civil deposit or local fund deposit made in the transferred territories shall, as from the appointed day, be the liability of West Bengal.

31. Provident Funds.—The liability of Bihar in respect of the provident fund account of any Government servant who, being in service on the appointed day, is permanently allotted to West Bengal shall, as from that day, be the liability of West Bengal.

32. Pensions.—The liability of Bihar in respect of pensions shall be apportioned between that State and West Bengal in accordance with the provisions contained in the Schedule.

33. Contracts.—(1) Where, before the appointed day, the State of Bihar has made any contract in the exercise of its executive power for any purposes of the State, that contract shall be deemed to have been made in the exercise executed of the power—

- (a) of Bihar, if the purposes of the contract are, as from the appointed day, exclusively purposes of that State;

- (b) of West Bengal, if the purposes of the contract are, as from that day, exclusively purposes of that State; and

- (c) of Bihar, in any other case;

and all rights and liabilities which have accrued, or may accrue, under any such contract shall, to the extent to which they would have been rights or liabilities of Bihar, be rights or liabilities of Bihar or of West Bengal, as the case may be:

Provided that, in any such case as is referred to in clause (c), the initial allocation of rights and liabilities made by this sub-section shall be subject to such financial adjustment as may be agreed upon between the two States, or in default of such agreement, as the Central Government may by order direct.

(2) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

- (a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and
- (b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(3) This section shall have effect subject to the other provisions of this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

34. Liability in respect of actionable wrong.—Where, immediately before the appointed day, Bihar is subject to any liability in respect of actionable wrong other than breach of contract, that liability shall—

- (a) if the cause of action arose wholly within the transferred territories, be a liability of West Bengal;
- (b) if the cause of action arose wholly within the territories of Bihar excluding the transferred territories, be a liability of Bihar; and
- (c) in any other case, be initially a liability of Bihar, but subject to such financial adjustment as may be agreed upon between that State and West Bengal, or in default of such agreement, as the Central Government may by order direct.

35. Liability as guarantor of co-operative societies.—Where, immediately before the appointed day, Bihar is liable as guarantor in respect of any liability of a registered co-operative society, that liability shall—

- (a) if the area of the society's operations is limited to the transferred territories, be a liability of West Bengal; and
- (b) in any other case, continue to be a liability of Bihar.

36. Items in suspense.—If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision.

37. Power of the Central Government to order allocation or adjustment in certain cases.—Where either Bihar or West Bengal becomes entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government, on a reference made within a period of three years from the appointed day by either of the States, is of opinion that it is just and equitable that that property or those benefits should be transferred to, or shared with, the other State or that a contribution towards that liability should be made by the other State, the said property or benefits shall be allocated in such manner between the two States, or the other State shall make to the State subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the two State Governments, by order determine.

38. Certain expenditure to be charged on the Consolidated Fund.—All sums payable by either Bihar or West Bengal to the other State by virtue of the provisions of this Part shall be charged on the Consolidated Fund of the State by which such sums are payable.

PART VII

ADMINISTRATIVE PROVISIONS

39. **State Financial Corporations.**—(1) As from the appointed day, the Financial Corporations constituted under the State Financial Corporations Act, 1951 (63 of 1951) for the States of Bihar and West Bengal shall be deemed to have been constituted for those States with their areas as altered by the provisions of section 3.

(2) Bihar shall be liable to pay to West Bengal on account of its share of the paid-up capital of the Bihar State Financial Corporation such amount as the Central Government may by order determine.

40. **Temporary provisions as to the continuance of certain existing road transport permits.**—(1) Notwithstanding anything contained in section 63 of the Motor Vehicles Act, 1939 (4 of 1939), a permit granted by the State Transport Authority of Bihar or by any Regional Transport Authority in Bihar shall, if such permit was immediately before the appointed day valid and effective in any area within the transferred territories, be deemed to continue to be valid and effective in that area after that day subject to the provisions of that Act as for the time being in force in that area; and it shall not be necessary for any such permit to be countersigned by the State Transport Authority of West Bengal or by any Regional Transport Authority in West Bengal for the purpose of validating it for use in such area:

Provided that the Central Government may, after consultation with the State Governments, add to, amend or vary the conditions attached to the permit by the authority by which the permit was granted.

(2) No toll, entrance fee or other charge of a like nature shall be levied after the appointed day in respect of any transport vehicle for its operations in the transferred territories under any such permit, if such vehicle was immediately before that day exempt from the payment of any such toll, entrance fee or other charge for its operations beyond the boundaries of Bihar:

Provided that the Central Government may, after consultation with both the State Governments, authorise the levy of any such toll, entrance fee or other charge as the case may be.

41. **Provisions relating to services.**—(1) Every person who immediately before the appointed day is serving in connection with the affairs of Bihar shall, as from that day, continue so to serve, unless he is required by general or special order of the Central Government to serve provisionally in connection with the affairs of West Bengal.

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the State to which every person provisionally allotted to West Bengal shall be finally allotted for service and the date from which such allotment shall take effect or be deemed to have taken effect.

(3) Every person who is finally allotted under the provisions of sub-section (2) to Bihar or West Bengal shall, if he is not already serving therein, be made available for serving in that State from such date as may be agreed upon between the two State Governments and in default of such agreement, as may be determined by the Central Government.

(4) Nothing in this section shall be deemed to affect after the appointed day the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to the determination of the conditions of service of persons serving in connection with the affairs of Bihar or of West Bengal:

Provided that the conditions of service applicable immediately before the appointed day to the case of any person provisionally or finally allotted to West Bengal under this section shall not be varied to his disadvantage except with the previous approval of the Central Government.

(5) The Central Government may at any time before or after the appointed day give such directions to either State Government as may appear to it to be necessary for

the purpose of giving effect to the foregoing provisions of this section and the State Government shall comply with such directions.

42. **Provisions as to the continuance of officers in the same posts.**—Every person who, immediately before the appointed day, is holding or discharging the duties of any post or office in connection with the affairs of Bihar in any area within the transferred territories shall continue to hold the same post or office in West Bengal, and shall be deemed as from that day to have been duly appointed, to that post or office by the Government of, or other appropriate authority in, West Bengal:

Provided that nothing in this section shall be deemed to prevent a competent authority, after the appointed day, from passing in relation to any such person any order affecting his continuance in such post or office.

PART VIII

LEGAL AND MISCELLANEOUS PROVISIONS

43. **Territorial extent of laws.**—The provisions of section 3 shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies, and territorial references in any such law to Bihar or West Bengal shall, until otherwise provided by a competent legislature or other competent authority, be construed as meaning the territories within that State immediately before the appointed day.

44. **Power to adapt laws.**—For the purpose of facilitating the application of any law in relation to Bihar or West Bengal, the appropriate Government may, before the expiration of one year from the appointed day, by order make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent authority or competent legislature.

Explanation.—In this section, the expression "appropriate Government" means, as respects any law relating to a matter enumerated in the Union List, the Central Government, and as respects any other law, the State Government.

45. **Power to construe laws.**—Notwithstanding that no provision or insufficient provision has been made for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to Bihar or West Bengal, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

46. **Power to name authorities, etc. for exercising statutory functions.**—The Government of West Bengal may, by notification in the Official Gazette, specify the authority, officer or person who, as from the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day in any part of the transferred territories as may be mentioned in that notification, and such law shall have effect accordingly.

47. **Legal Proceedings.**—Where, immediately before the appointed day, the State of Bihar is a party to any legal proceedings with respect to any property, rights or liabilities transferred to the State of West Bengal under this Act, that State shall be deemed to be substituted for the State of Bihar as a party to those proceedings, or added as a party thereto, as the case may be, and the proceedings may continue accordingly.

48. **Transfer of pending proceedings.**—(1) Every proceeding pending immediately before the appointed day before a court (other than a High Court), tribunal, authority or officer—

- (a) in any area which on that day remains within Bihar shall, if it is a proceeding relating exclusively to any part of the transferred territories, stand transferred to the corresponding court, tribunal, authority or officer in West Bengal; and
- (b) in any area which on that day falls within the transferred territories shall, if it is a proceeding

relating exclusively to any part of the territories remaining within Bihar, stand transferred to the corresponding court, tribunal, authority or officer in that State.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1), it shall be referred to the High Court having jurisdiction in respect of the area in which the court, tribunal, authority or officer before which, or before whom, such proceeding is pending on the appointed day, is functioning and the decision of that High Court shall be final.

(3) In this section,—

(a) "proceeding" includes any suit, case or appeal; and

(b) "corresponding court, tribunal, authority or officer" in a State means—

(i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have lain if the proceeding had been instituted after the appointed day, or

(ii) in case of doubt, such court, tribunal, authority or officer in that State as may be determined after the appointed day by the Government of that State, or before the appointed day by the Government of Bihar, to be the corresponding court, tribunal, authority or officer.

49. Right of pleaders to practise in certain courts.—Any person who, immediately before the appointed day, is enrolled as a pleader entitled to practise in any subordinate courts in the transferred territories shall, for a period of six months from that day, continue to be entitled to practise in those courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to West Bengal.

50. Effect of provisions inconsistent with other laws.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

51. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the President may by order do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

52. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) All rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

THE SCHEDULE

(See section 32)

APPORTIONMENT OF LIABILITY IN RESPECT OF PENSIONS

1. Subject to the adjustments mentioned in paragraph 3, each of the States of Bihar and West Bengal shall, in respect of pensions granted by Bihar before the appointed day, pay the pensions drawn in its treasuries.

2. Subject to the said adjustments, the liability in respect of pensions of officers serving in connection with the affairs of Bihar who retire or proceed on leave preparatory to retirement before the appointed day, but whose claims for pensions are outstanding immediately before that day, shall be the liability of Bihar.

3. There shall be computed in respect of the period commencing on the appointed day and ending on the 31st day of March, 1957 and in respect of each subsequent financial year, the total payments made in respect of pensions referred to in paragraphs 1 and 2; that total, representing the liability of Bihar in respect of pensions, shall be apportioned between Bihar and West Bengal in the population ratio, and the State paying more than its due share shall be reimbursed the excess amount by the other State.

4. (1) The liability in respect of the pension of any officer serving immediately before the appointed day in connection with the affairs of Bihar, and retiring on or after that day, shall be the liability of the State which grants him the pension; but the portion of the pension attributable to the service of any such officer before the

appointed day in connection with the affairs of Bihar shall be allocated between Bihar and West Bengal in the population ratio, and the Government which grants the pension shall be entitled to receive from the other Government its share of this liability.

(2) If any such officer was serving after the appointed day for some period in connection with the affairs of Bihar and for some period in connection with the affairs of West Bengal, the Government other than the one granting the pension shall reimburse to the Government by which the pension is granted an amount which bears to the portion of the pension attributable to his service after the appointed day the same ratio as the period of his qualifying service after the appointed day under the reimbursing State bears to the total qualifying service after the appointed day reckoned for the purposes of pension.

5. Any reference in this Schedule to a pension shall be construed as including a reference to the commuted value of the pension.

Received Assent on 4-9-56

THE INDUSTRIAL DISPUTES AMENDMENT) ACT, 1956 (41 OF 1956)

AN
ACT

further to amend the Industrial Disputes Act, 1947.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Industrial Disputes (Amendment) Act, 1956.

2. Amendment of section 25C.—Section 25C of the Industrial Disputes Act, 1947 (24 of 1947) (hereinafter referred to as the principal Act), shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, for the provisos, the following proviso shall be substituted, namely:—

“Provided that the compensation payable to a workman during any period of twelve months shall not be for more than forty-five days.”;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in the proviso to sub-section (1), if during any period of twelve months, a workman is laid off for more than forty-five days, whether continuously or intermittently, and the lay off after the expiry of the first forty-five days comprises continuous periods of one week or more, the workman shall, unless there is any agreement to the contrary between him and the employer, be paid for all the days comprised in every such subsequent period of lay off for one week or more compensation at the rate specified in sub-section (1):

Provided that it shall be lawful for the employer in any case falling within this sub-section to retrench the workman in accordance with the provisions contained in section 25F at any time after the expiry of the first forty-five days of lay off and when he does so, any compensation paid to the workman for having been laid off during the preceding twelve months may be set off against the compensation payable for retrenchment.”.

3. Insertion of new section 25FF.—After section 25F of the principal Act, the following section shall be inserted, namely:—

“25FF. Special provision relating to workmen employed in undertakings which are transferred.—Notwithstanding anything contained in section 25F, no workman shall be entitled to compensation under that section by reason merely of the fact that there has been a change of employers in any case where the ownership or management of the undertaking in which he is employed is transferred, whether by agreement

or by operation of law, from one employer to another:

Provided that—

- (a) the service of the workman has not been interrupted by reason of the transfer;
- (b) the terms and conditions of service applicable to the workman after such transfer are not in any way less favourable to the workman than those applicable to him immediately before the transfer; and
- (c) the employer to whom the ownership or management of the undertaking is so transferred is, under the terms of the transfer or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation on the basis that his service has been continuous and has not been interrupted by the transfer."

Received Assent on 4-9-56

THE SECURITIES CONTRACTS (REGULATION) ACT, 1956 (42 of 1956)

AN
ACT

to prevent undesirable transactions in securities by regulating the business of dealing therein, by prohibiting options and by providing for certain other matters connected therewith.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Securities Contracts (Regulation) Act, 1956.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

- (a) 'contract' means a contract for or relating to the purchase or sale of securities;
- (b) 'Government security' means a security created and issued, whether before or after the commencement of this Act, by the Central Government or a State Government for the purpose of raising a public loan and having one of the forms specified in clause (2) of section 2 of the Public Debt Act, 1944 (18 of 1944);
- (c) 'member' means a member of a recognised stock exchange;
- (d) 'option in securities' means a contract for the purchase or sale of a right to buy or sell, or a right to buy and sell, securities in future, and includes a *teji*, a *mandi*, a *teji mandi*, a *galli*, a *put*, a *call* or a *put and call* in securities;
- (e) 'prescribed' means prescribed by rules made under this Act;
- (f) 'recognised stock exchange' means a stock exchange which is for the time being recognised by the Central Government under section 4;
- (g) 'rules', with reference to the rules relating in general to the constitution and management of a stock exchange, includes, in the case of a stock exchange which is an incorporated association, its memorandum and articles of association;
- (h) 'securities' include—
 - (i) shares, scrips, stocks, bonds, debentures, debenture stock or other marketable securities of a like nature in or of any incorporated company or other body corporate;
 - (ii) Government securities; and
 - (iii) rights or interests in securities;
- (i) 'spot delivery contract' means a contract which provides for the actual delivery of securities and the payment of a price therefor either on the same day as the date of the contract or on

the next day, the actual period taken for the despatch of the securities or the remittance of money therefor through the post being excluded from the computation of the period aforesaid if the parties to the contract do not reside in the same town or locality;

- (j) 'stock exchange' means any body of individuals, whether incorporated or not, constituted for the purpose of assisting, regulating or controlling the business of buying, selling or dealing in securities.

RECOGNISED STOCK EXCHANGES

3. Application for recognition of stock exchanges.—(1)

Any stock exchange, which is desirous of being recognised for the purposes of this Act, may make an application in the prescribed manner to the Central Government.

(2) Every application under sub-section (1) shall contain such particulars as may be prescribed, and shall be accompanied by a copy of the bye-laws of the stock exchange for the regulation and control of contracts and also a copy of the rules relating in general to the constitution of the stock exchange, and in particular, to—

- (a) the governing body of such stock exchange, its constitution and powers of management and the manner in which its business is to be transacted.
- (b) the powers and duties of the office bearers of the stock exchange;
- (c) the admission into the stock exchange of various classes of members, the qualifications for membership, and the exclusion, suspension, expulsion and re-admission of members therefrom or thereinto;
- (d) the procedure for the registration of partnerships as members of the stock exchange in cases where the rules provide for such membership; and the nomination and appointment of authorised representatives and clerks.

4. Grant of recognition to stock exchanges.—(1) If the Central Government is satisfied, after making such inquiry as may be necessary in this behalf and after obtaining such further information, if any, as it may require,—

- (a) that the rules and bye-laws of a stock exchange applying for registration are in conformity with such conditions as may be prescribed with a view to ensure fair dealing and to protect investors;
- (b) that the stock exchange is willing to comply with any other conditions (including conditions as to the number of members) which the Central Government after consultation with the governing body of the stock exchange and having regard to the area served by the stock exchange and its standing and the nature of the securities dealt with by it, may impose for the purpose of carrying out the objects of this Act; and
- (c) that it would be in the interest of the trade and also in the public interest to grant recognition to the stock exchange;

it may grant recognition to the stock exchange subject to the conditions imposed upon it as aforesaid and in such form as may be prescribed.

(2) The conditions which the Central Government may prescribe under clause (a) of sub-section (1) for the grant of recognition to the stock exchanges may include, among other matters, conditions relating to,—

- (i) the qualifications for membership of stock exchanges;
- (ii) the manner in which contracts shall be entered into and enforced as between members;
- (iii) the representation of the Central Government on each of the stock exchanges by such number of persons not exceeding three as the Central Government may nominate in this behalf; and
- (iv) the maintenance of accounts of members and their audit by chartered accountants whenever

such audit is required by the Central Government.

(3) Every grant of recognition to a stock exchange under this section shall be published in the Gazette of India and also in the Official Gazette of the State in which the principal office of the stock exchange is situate, and such recognition shall have effect as from the date of its publication in the Gazette of India.

(4) No application for the grant of recognition shall be refused except after giving an opportunity to the stock exchange concerned to be heard in the matter; and the reasons for such refusal shall be communicated to the stock exchange in writing.

(5) No rules of a recognised stock exchange relating to any of the matters specified in sub-section (2) of section 3 shall be amended except with the approval of the Central Government.

5. Withdrawal of recognition.—If the Central Government is of opinion that the recognition granted to a stock exchange under the provisions of this Act should, in the interest of the trade or in the public interest, be withdrawn, the Central Government may serve on the governing body of the stock exchange a written notice that the Central Government is considering the withdrawal of the recognition for the reasons stated in the notice, and after giving an opportunity to the governing body to be heard in the matter, the Central Government may withdraw, by notification in the Official Gazette, the recognition granted to the stock exchange:

Provided that no such withdrawal shall affect the validity of any contract entered into or made before the date of the notification, and the Central Government may, after consultation with the stock exchange, make such provision as it deems fit in the notification of withdrawal or in any subsequent notification similarly published for the due performance of any contracts outstanding on that date.

6. Power of Central Government to call for periodical returns or direct inquiries to be made.—(1) Every recognised stock exchange shall furnish to the Central Government such periodical returns relating to its affairs as may be prescribed.

(2) Every recognised stock exchange and every member thereof shall maintain and preserve for such periods not exceeding five years such books of account, and other documents as the Central Government, after consultation with the stock exchange concerned, may prescribe in the interest of the trade or in the public interest, and such books of account, and other documents shall be subject to inspection at all reasonable times by the Central Government.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2), the Central Government, if it is satisfied that it is in the interest of the trade or in the public interest so to do, may, by order in writing,—

(a) call upon a recognised stock exchange or any member thereof to furnish in writing such information or explanation relating to the affairs of the stock exchange or of the member in relation to the stock exchange as the Central Government may require; or

(b) appoint one or more persons to make an inquiry in the prescribed manner in relation to the affairs of the governing body of a stock exchange or the affairs of any of the members of the stock exchange in relation to the stock exchange and submit a report of the result of such inquiry to the Central Government within such time as may be specified in the order or, in the case of an inquiry in relation to the affairs of any of the members of a stock exchange, direct the governing body to make the inquiry and submit its report to the Central Government.

(4) Where an inquiry in relation to the affairs of a recognised stock exchange or the affairs of any of its members in relation to the stock exchange has been undertaken under sub-section (3),—

(a) every director, manager, secretary or other officer of such stock exchange;

(b) every member of such stock exchange;

(c) if the member of the stock exchange is a firm, every partner, manager, secretary or other officer of the firm; and

(d) every other person or body of persons who has had dealings in the course of business with any of the persons mentioned in clauses (a), (b) and (c), whether directly or indirectly;

shall be bound to produce before the authority making the inquiry all such books of account, and other documents in his custody or power relating to or having a bearing on the subject-matter of such inquiry and also to furnish the authorities within such time as may be specified with any such statement or information relating thereto as may be required of him.

7. Annual reports to be furnished to Central Government by stock exchanges.—Every recognised stock exchange shall furnish the Central Government with a copy of the annual report, and such annual report shall contain such particulars as may be prescribed.

8. Power of Central Government to direct rules to be made or to make rules.—(1) Where, after consultation with the governing bodies of stock exchanges generally or with the governing body of any stock exchange in particular, the Central Government is of opinion that it is necessary or expedient so to do, it may, by order in writing together with a statement of the reasons therefor, direct recognised stock exchanges generally or any recognised stock exchange in particular, as the case may be, to make any rules or to amend any rules already made in respect of all or any of the matters specified in sub-section (2) of section 3 within a period of six months from the date of the order.

(2) If any recognised stock exchange fails or neglects to comply with any order made under sub-section (1) within the period specified therein, the Central Government may make the rules for, or amend the rules made by, the recognised stock exchange, either in the form proposed in the order or with such modifications thereof as may be agreed to between the stock exchange and the Central Government.

(3) Where in pursuance of this section any rules have been made or amended, the rules so made or amended shall be published in the Gazette of India and also in the Official Gazette or Gazettes of the State or States in which the principal office or offices of the recognised stock exchange or exchanges is or are situate, and, on the publication thereof in the Gazette of India, the rules so made or amended shall, notwithstanding anything to the contrary contained in the Companies Act, 1956, (1 of 1956) or in any other law for the time being in force, have effect as if they had been made or amended by the recognised stock exchange or stock exchanges, as the case may be.

9. Power of recognised stock exchanges to make bye-laws.—(1) Any recognised stock exchange may, subject to the previous approval of the Central Government, make bye-laws for the regulation and control of contracts.

(2) In particular, and without prejudice to the generality of the foregoing power, such bye-laws may provide for—

(a) the opening and closing of markets and the regulation of the hours of trade;

(b) a clearing house for the periodical settlement of contracts and differences thereunder, the delivery of and payment for securities, the passing on of delivery orders and the regulation and maintenance of such clearing house;

(c) the submission to the Central Government by the clearing house as soon as may be after each periodical settlement of all or any of the following particulars as the Central Government may, from time to time, require, namely:—

(i) the total number of each category of security carried over from one settlement period to another;

(ii) the total number of each category of security, contracts in respect of which have been squared up during the course of each settlement period;

(iii) the total number of each category of security

actually delivered at each clearing;

- (d) the publication by the clearing house of all or any of the particulars submitted to the Central Government under clause (c) subject to the directions, if any, issued by the Central Government in this behalf;
 - (e) the regulation or prohibition of blank transfers;
 - (f) the number and classes of contracts in respect of which settlements shall be made or differences paid through the clearing house;
 - (g) the regulation, or prohibition of *budlas* or carry-over facilities;
 - (h) the fixing, altering or postponing of days for settlements;
 - (i) the determination and declaration of market rates, including the opening, closing, highest and lowest rates for securities;
 - (j) the terms, conditions and incidents of contracts, including the prescription of margin requirements, if any, and conditions relating thereto, and the forms of contracts in writing;
 - (k) the regulation of the entering into, making, performance, rescission and termination, of contracts, including contracts between members or between a member and his constituent or between a member and a person who is not a member, and the consequences of default or insolvency on the part of a seller or buyer or intermediary, the consequences of a breach or omission by a seller or buyer, and the responsibility of members who are not parties to such contracts;
 - (l) the regulation of *taravani* business including the placing of limitations thereon;
 - (m) the listing of securities on the stock exchange, the inclusion of any security for the purpose of dealings and the suspension or withdrawal of any such securities, and the suspension or prohibition of trading in any specified securities;
 - (n) the method and procedure for the settlement of claims or disputes, including settlement by arbitration;
 - (o) the levy and recovery of fees fines and penalties;
 - (p) the regulation of the course of business between parties to contracts in any capacity;
 - (q) the fixing of a scale of brokerage and other charges;
 - (r) the making, comparing, settling and closing of bargains;
 - (s) the emergencies in trade which may arise, whether as a result of pool or syndicated operations or cornering or otherwise, and the exercise of powers in such emergencies, including the power to fix maximum and minimum prices for securities;
 - (t) the regulation of dealings by members for their own account;
 - (u) the separation of the functions of jobbers and brokers;
 - (v) the limitations on the volume of trade done by any individual member in exceptional circumstances;
 - (w) the obligation of members to supply such information or explanation and to produce such documents relating to the business as the governing body may require.
- (3) The bye-laws made under this section may—
- (a) specify the bye-laws the contravention of which shall make a contract entered into otherwise than in accordance with the bye-laws void under sub-section (1) of section 14;
 - (b) provide that the contravention of any of the bye-laws shall render the member concerned liable to one or more of the following punishments, namely:—
 - (i) fine;
 - (ii) expulsion from membership;
 - (iii) suspension from membership for a specified period;
 - (iv) any other penalty of a like nature not involving the payment of money.
- (4) Any bye-laws made under this section shall be

subject to such conditions in regard to previous publication as may be prescribed, and, when approved by the Central Government, shall be published in the Gazette of India and also in the Official Gazette of the State in which the principal office of the recognised stock exchange is situate, and shall have effect as from the date of its publication in the Gazette of India:

Provided that if the Central Government is satisfied in any case that in the interest of the trade or in the public interest any bye-law should be made immediately, it may, by order in writing specifying the reasons therefor, dispense with the condition of previous publication.

10. Power of Central Government to make or amend bye-laws of recognised stock exchanges.—(1) The Central Government may, either on a request in writing received by it in this behalf from the governing body of a recognised stock exchange or on its own motion, if it is satisfied after consultation with the governing body of the stock exchange that it is necessary or expedient so to do and after recording its reasons for so doing, make bye-laws for all or any of the matters specified in section 9 or amend any bye-laws made by such stock exchange under that section.

(2) Where in pursuance of this section any bye-laws have been made or amended, the bye-laws so made or amended shall be published in the Gazette of India and also in the Official Gazette of the State in which the principal office of the recognised stock exchange is situate, and on the publication thereof in the Gazette of India, the bye-laws so made or amended shall have effect as if they had been made or amended by the recognised stock exchange concerned.

(3) Notwithstanding anything contained in this section, where the governing body of a recognised stock exchange objects to any bye-laws made or amended under this section by the Central Government on its own motion, it may, within six months of the publication thereof in the Gazette of India under sub-section (2), apply to the Central Government for revision thereof, and the Central Government may, after giving an opportunity to the governing body of the stock exchange to be heard in the matter, revise the bye-laws so made or amended, and where any bye-laws so made or amended are revised as a result of any action taken under this sub-section, the bye-laws so revised shall be published and shall become effective as provided in sub-section (2).

(4) The making or the amendment or revision of any bye-laws under this section shall in all cases be subject to the condition of previous publication:

Provided that if the Central Government is satisfied in any case that in the interest of the trade or in the public interest any bye-laws should be made, amended or revised immediately, it may, by order in writing specifying the reasons therefor, dispense with the condition of previous publication.

11. Power of Central Government to supersede governing body of a recognised stock exchange.—(1) Without prejudice to any other powers vested in the Central Government under this Act, where the Central Government is of opinion that the Governing body of any recognised stock exchange should be superseded, then, notwithstanding anything contained in any other law for the time being in force, the Central Government may serve on the governing body a written notice that the Central Government is considering the supersession of the governing body for the reasons specified in the notice and after giving an opportunity to the governing body to be heard in the matter it may, by notification in the Official Gazette, declare the governing body of such stock exchange to be superseded, and may appoint any person or persons to exercise and perform all the powers and duties of the governing body, and, where more persons than one are appointed, may appoint one of such persons to be the chairman and another to be the vice-chairman thereof.

(2) On the publication of a notification in the Official Gazette under sub-section (1), the following consequences shall ensue, namely:—

- (a) the members of the governing body which has

been superseded shall, as from the date of the notification of supersession, cease to hold office as such members;

(b) the person or persons appointed under sub-section (1) may exercise and perform all the powers and duties of the governing body which has been superseded;

(c) all such property of the recognised stock exchange as the person or persons appointed under sub-section (1) may, by order in writing, specify in this behalf as being necessary for the purpose of enabling him or them to carry on the business of the stock exchange, shall vest in such person or persons.

(3) Notwithstanding anything to the contrary contained in any law or the rules or bye-laws of the recognised stock exchange the governing body of which is superseded under sub-section (1), the person or persons appointed under that sub-section shall hold office for such period as may be specified in the notification published under that sub-section, and the Central Government may from time to time, by like notification, vary such period.

(4) The Central Government may at any time before the determination of the period of office of any person or persons appointed under this section call upon the recognised stock exchange to reconstitute the governing body in accordance with its rules and on such reconstitution all the property of the recognised stock exchange which has vested in, or was in the possession of, the person or persons appointed under sub-section (1) shall re-vest or vest, as the case may be, in the governing body so re-constituted:

Provided that until a governing body is so re-constituted, the person or persons appointed under sub-section (1) shall continue to exercise and perform their powers and duties.

12. Power to suspend business of recognised stock exchanges.—If in the opinion of the Central Government an emergency has arisen and for the purpose of meeting the emergency the Central Government considers it expedient so to do, it may, by notification in the Official Gazette, for reasons to be set out therein, direct a recognised stock exchange to suspend such of its business for such period not exceeding seven days and subject to such conditions as may be specified in the notification, and, if, in the opinion of the Central Government, the interest of the trade or the public interest requires that the period should be extended, may, by like notification extend the said period from time to time:

Provided that where the period of suspension is to be extended beyond the first period, no notification extending the period of suspension shall be issued unless the governing body of the recognised association has been given an opportunity of being heard in the matter.

CONTRACTS AND OPTIONS IN SECURITIES

13. Contracts in notified areas illegal in certain circumstances.—If the Central Government is satisfied, having regard to the nature of the volume of transactions in securities in any State or area, that it is necessary so to do, it may, by notification in the Official Gazette, declare this section to apply to such State or area, and thereupon every contract in such State or area which is entered into after the date of the notification otherwise than between members of a recognised stock exchange in such State or area or through or with such member shall be illegal.

14. Contracts in notified areas to be void in certain circumstances.—(1) Any contract entered into in any State or area specified in the notification under section 13 which is in contravention of any of the bye-laws specified in that behalf under clause (a) of sub-section (3) of section 9 shall be void—

(i) as respects the rights of any member of the recognised stock exchange who has entered into such contract in contravention of any such bye-law, and also

(ii) as respects the rights of any other person who has knowingly participated in the transaction entailing such contravention.

(2) Nothing in sub-section (1) shall be construed to affect the right of any person other than a member of the recognised stock exchange to enforce any such contract or to recover any sum under or in respect of such contract if such person had no knowledge that the transaction was in contravention of any of the bye-laws specified in clause (a) of sub-section (3) of section 9.

15. Members may not act as principals in certain circumstances.—No member of a recognised stock exchange shall in respect of any securities enter into any contract as a principal with any person other than a member of a recognised stock exchange, unless he has secured the consent or authority of such person and discloses in the note, memorandum or agreement of sale or purchase that he is acting as a principal:

Provided that where the member has secured the consent or authority of such person otherwise than in writing he shall secure written confirmation by such person of such consent or authority within three days from the date of the contract:

Provided further that no such written consent or authority of such person shall be necessary for closing out any outstanding contract entered into by such person in accordance with the bye-laws, if the member discloses in the note, memorandum or agreement of sale or purchase in respect of such closing out that he is acting as a principal.

16. Power to prohibit contracts in certain cases.—(1) If the Central Government is of opinion that it is necessary to prevent undesirable speculation in specified securities in any State or area, it may, by notification in the Official Gazette, declare that no person in the State or area specified in the notification shall, save with the permission of the Central Government, enter into any contract for the sale or purchase of any security specified in the notification except to the extent and in the manner, if any, specified therein.

(2) All contracts in contravention of the provisions of sub-section (1) entered into after the date of the notification issued thereunder shall be illegal.

17. Licensing of dealers in securities in certain areas.—(1) Subject to the provisions of sub-section (3) and to the other provisions contained in this Act, no person shall carry on or purport to carry on, whether on his own behalf or on behalf of any other person, the business of dealing in securities in any State or area to which section 13 has not been declared to apply and to which the Central Government may, by notification in the Official Gazette, declare this section to apply, except under the authority of a license granted by the Central Government in this behalf.

(2) No notification under sub-section (1) shall be issued with respect to any State or area unless the Central Government is satisfied, having regard to the manner in which securities are being dealt with in such State or area, that it is desirable or expedient in the interest of the trade or in the public interest that such dealings should be regulated by a system of licensing.

(3) The restrictions imposed by sub-section (1) in relation to dealings in securities shall not apply to the doing of anything by or on behalf of a member of any recognised stock exchange.

18. Exclusion of spot delivery contracts from sections 13, 14, 15 and 17.—(1) Nothing contained in sections 13, 14, 15 and 17 shall apply to spot delivery contracts.

(2) Notwithstanding anything contained in sub-section (1), if the Central Government is of opinion that in the interest of the trade or in the public interest it is expedient to regulate and control the business of dealing in spot delivery contracts also in any State or area (whether section 13 has been declared to apply to that State or area or not), it may, by notification in the Official Gazette, declare that the provisions of section 17 shall also apply to such State or area in respect of spot delivery contracts generally or in respect of spot delivery contracts for the sale or purchase of such securities as may be specified in the notification, and may also specify the manner in which, and the extent to which, the provisions

of that section shall so apply.

19. Stock exchanges other than recognised stock exchanges prohibited.—(1) No person shall, except with the permission of the Central Government, organise or assist in organising or be a member of any stock exchange (other than a recognised stock exchange) for the purpose of assisting in, entering into or performing any contracts in securities.

(2) This section shall come into force in any State or area on such date as the Central Government may, by notification in the *Official Gazette*, appoint.

20. Prohibition of options in securities.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, all options in securities entered into after the commencement of this Act shall be illegal.

(2) Any option in securities which has been entered into before such commencement and which remains to be performed, whether wholly or in part, after such commencement, shall, to that extent, become void.

LISTING OF SECURITIES BY PUBLIC COMPANIES

21. Power to compel listing of securities by public companies.—Notwithstanding anything contained in any other law for the time being in force, if the Central Government is of opinion, having regard to the nature of the securities issued by any public company as defined in the Companies Act, 1956 (1 of 1956), or to the dealings in them, that it is necessary or expedient in the interest of the trade or in the public interest so to do, it may require the company, after giving it an opportunity of being heard in the matter, to comply with such requirements as may be prescribed with respect to the listing of its securities on any recognised stock exchange.

22. Right of appeal against refusal by stock exchanges to list securities of public companies.—Where a recognised stock exchange acting in pursuance of any power given to it by its bye-laws, refuses to list the securities of any public company, the company shall be entitled to be furnished with the reasons for such refusal, and may appeal against the decision of the recognised stock exchange to the Central Government, and the Central Government may, after giving the stock exchange an opportunity of being heard, vary or set aside the decision of the recognised stock exchange, and when it does so the stock exchange shall be bound to act in conformity with the orders of the Central Government.

PENALTIES AND PROCEDURE

23. Penalties.—(1) Any person who—

- (a) without reasonable excuse (the burden of proving which shall be on him) fails to comply with any requisition made under sub-section (4) of section 6; or
- (b) enters into any contract in contravention of any of the provisions contained in section 13 or section 16; or
- (c) contravenes the provisions contained in section 17, or section 19; or
- (d) enters into any option in securities in contravention of the provisions contained in section 20; or
- (e) owns or keeps a place other than that of a recognised stock exchange which is used for the purpose of entering into or performing any contracts in contravention of any of the provisions of this Act and knowingly permits such place to be used for such purposes; or
- (f) manages, controls, or assists in keeping any place other than that of a recognised stock exchange which is used for the purpose of entering into or performing any contracts in contravention of any of the provisions of this Act or at which contracts are recorded or adjusted or rights or liabilities arising out of contracts are adjusted; regulated or enforced in any manner whatsoever; or
- (g) not being a member of a recognised stock exchange or his agent authorised as such under the rules or bye-laws of such stock exchange or not being a dealer in securities licensed under

section 17 wilfully represents to or induces any person to believe that contracts can be entered into or performed under this Act through him; or

- (h) not being a member of a recognised stock exchange or his agent authorised as such under the rules or bye-laws of such stock exchange or not being a dealer in securities licensed under section 17, canvasses, advertises or touts in any manner either for himself or on behalf of any other persons for any business connected with contracts in contravention of any of the provisions of this Act; or
- (i) joins, gathers or assists in gathering at any place other than the place of business specified in the bye-laws of a recognised stock exchange any person or persons for making bids or offers or for entering into or performing any contracts in contravention of any of the provisions of this Act;

shall, on conviction, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Any person who enters into any contract in contravention of the provisions contained in section 15 or who fails to comply with the orders of the Central Government under section 21 or section 22 shall, on conviction, be punishable with fine which may extend to one thousand rupees.

24. Offences by companies.—(1) Where an offence has been committed by a company, every person who, at the time when the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company, shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

- (a) 'company' means any body corporate and includes a firm or other association of individuals, and
- (b) 'director', in relation to a firm, means a partner in the firm.

25. Certain offences to be cognizable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898) any offence punishable under sub-section (1) of section 23 shall be deemed to be a cognizable offence within the meaning of that Code.

26. Jurisdiction to try offences under this Act.—No court inferior to that of a presidency magistrate or a magistrate of the first class shall take cognizance of or try any offence punishable under this Act.

MISCELLANEOUS

27. Title to dividends.—(1) It shall be lawful for the holder of any security whose name appears on the books of the company issuing the said security to receive and retain any dividend declared by the company in respect thereof for any year, notwithstanding that the said security has already been transferred by him for consideration, unless the transferee who claims the dividend from the transferor has lodged the security and all other documents relating to the transfer which may be required by the company with the company for being registered in his name within fifteen days of the date on which the dividend became due.

Explanation.—The period specified in this section

shall be extended—

- (i) in case of death of the transferee, by the actual period taken by his legal representative to establish his claim to the dividend;
- (ii) in case of loss of the transfer deed by theft or any other cause beyond the control of the transferee, by the actual period taken for the replacement thereof; and
- (iii) in case of delay in the lodging of any security and other documents relating to the transfer due to causes connected with the post, by the actual period of the delay.

(2) Nothing contained in sub-section (1) shall affect—

- (a) the right of a company to pay any dividend which has become due to any person whose name is for the time being registered in the books of the company as the holder of the security in respect of which the dividend has become due; or
- (b) the right of the transferee of any security to enforce against the transferor or any other person his rights, if any, in relation to the transfer in any case where the company has refused to register the transfer of the security in the name of the transferee.

28. Act not to apply in certain cases.—The provisions of this Act shall not apply to the Government, the Reserve Bank of India, any local authority or any corporation set up under a special law or any person who has effected any transaction with or through the agency of any such authority as is referred to in this section.

29. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding whatsoever shall lie in any court against the governing body or any member, office bearer or servant of any recognised stock exchange or against any person or persons appointed under sub-section (1) of section 11 for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or bye-laws made thereunder.

30. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

- (a) the manner in which applications may be made, the particulars which they should contain and the levy of a fee in respect of such applications;
- (b) the manner in which any inquiry for the purpose of recognizing any stock exchange may be made, the conditions which may be imposed for the grant of such recognition, including conditions as to the admission of members if the stock exchange concerned is to be the only recognised stock exchange in the area; and the form in which such recognition shall be granted;
- (c) the particulars which should be contained in the periodical returns and annual reports to be furnished to the Central Government;
- (d) the documents which should be maintained and preserved under section 6 and the periods for which they should be preserved;
- (e) the manner in which any inquiry by the governing body of a stock exchange shall be made under section 6;
- (f) the manner in which the bye-laws to be made or amended under this Act shall before being so made or amended be published for criticism;
- (g) the manner in which applications may be made by dealers in securities for licences under section 17, the fee payable in respect thereof and the period of such licences, the conditions subject to which licences may be granted, including conditions relating to the forms which may be used in making contracts, the documents to be maintained by licensed dealers and the furnishing of periodical information to such authority as may be specified and the revocation of licences for breach of conditions;
- (h) the requirements which shall be complied with by public companies for the purpose of getting

their securities listed on any stock exchange; and

(i) any other matter which is to be or may be prescribed.

(3) Any rules made under this section shall be subject to the condition of previous publication and shall, as soon as may be, after their publication in the Official Gazette, be laid before both Houses of Parliament.

31. Repeal.—The Bombay Securities Contracts Control Act, 1925, (Bombay Act 8 of 1925) is hereby repealed.

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 26th September, 1956

No. LR. 1-63/56.—The following Acts recently passed by the Parliament of India and already published in the Gazette of India, Extra-ordinary, Part II, Section 1, dated the 10th September, 1956 and 12th September, 1956 respectively are, hereby, republished in the State Gazette for the information of the general public:—

1. The Travancore-Cochin Appropriation (No. 2) Act, 1956 (No. 46 of 1956).
2. The Indian Coconut Committee (Amendment) Act, 1956 (No. 47 of 1956).
3. The National Highways Act, 1956 (No. 48 of 1956).

LAKSHMAN DASS,
Assistant Secretary (Judicial).

Received Assent on 9-9-56

THE TRAVANCORE-COCHIN APPROPRIATION (No. 2) ACT, 1956 (46 of 1956)

AN ACT

to provide for the withdrawal of certain further sums from and out of the Consolidated Fund of the State of Travancore-Cochin for the service of the financial year 1956-57.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Travancore-Cochin Appropriation (No. 2) Act, 1956.

2. Withdrawal of Rs. 11,57,600 from and out of the Consolidated Fund of the State of Travancore-Cochin for the financial year 1956-57.—From and out of the Consolidated Fund of the State of Travancore-Cochin there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eleven lakhs, fifty-seven thousand and six hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1956-57, in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Travancore-Cochin by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	Rs.	Rs.	Rs.
IX	Heads of States, Ministers and Headquarters staff	..	23,000	23,000

1	2	3 Rs.	4 Rs.	5 Rs.
XIX	Public Health	19,000	..	19,000
XXV	Labour and Miscellaneous	11,12,000	..	11,12,000
XXXVI	Capital Outlay on Industrial Development	..	3,500	3,500
XXXVII	Capital Outlay on Civil Works	100	..	100
Total		11,31,100	26,500	11,57,600

Received Assent on 11-9-1956

THE INDIAN COCONUT COMMITTEE (AMENDMENT) ACT, 1956

(47 of 1956)

AN

ACT

further to amend the Indian Coconut Committee Act, 1944.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Indian Coconut Committee (Amendment) Act, 1956.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Amendment of section 2.**—In section 2 of the Indian Coconut Committee Act, 1944 (10 of 1944) (hereafter in this Act referred to as the principal Act),—

(i) after clause (bb), the following clause shall be inserted, namely:—

“(bbb) ‘managing agent’ has the meaning assigned to it in the Companies Act, 1956 (1 of 1956).”;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(cc) ‘occupier’ in relation to any mill, means the person who has ultimate control over the affairs of the mill, and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the mill.”.

3. **Amendment of section 4.**—In section 4 of the principal Act,—

(a) in clause (b),—

(i) for the words “ten persons”, the words “twelve persons” shall be substituted; and

(ii) for the words “two shall be nominated by the Government of Madras, three by the Government of the State of Travancore-Cochin”, the words “three shall be nominated by the Government of Madras, four by the Government of Travancore-Cochin” shall be substituted;

(b) in clause (c), for the word “Association”, the word “Chamber” shall be substituted;

(c) in clause (d),—

(i) for the words “five persons”, the words “eight persons” shall be substituted; and

(ii) for the word “Madras”, the words “Bombay, Madras, Orissa, West Bengal”, shall be substituted;

(d) in clause (f) for the words “one person”, the words “five persons” shall be substituted;

(e) for clause (g), the following clause shall be substituted, namely:—

“(g) three other persons, of whom two shall be elected from among themselves by the members of the House of the People and one shall be elected from among themselves by the members of the Council of States.”.

4. **Amendment of sections 9A, 10, 11, 12 and 13.**—In sections 9A, 10, 11, 12 and 13 of the principal Act, for the word “owner” wherever it occurs, the word “occupier” shall be substituted.

THE NATIONAL HIGHWAYS ACT, 1956

(48 of 1956)

AN

ACT

to provide for the declaration of certain highways to be national highways and for matters connected therewith.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the National Highways Act, 1956.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Declaration of certain highways to be national highways.**—(1) Each of the highways specified in the Schedule except such parts thereof as are situated within any municipal area is hereby declared to be a national highway.

(2) The Central Government may, by notification in the Official Gazette, declare any other highway to be a national highway and on the publication of such notification such highway shall be deemed to be specified in the Schedule.

(3) The Central Government may, by like notification, omit any highway from the Schedule and on the publication of such notification, the highway so omitted shall cease to be a national highway.

3. **Definition.**—In this Act, “municipal area” means any municipal area with a population of twenty thousand or more the control or management of which is entrusted to a municipal committee, a town area committee, a town committee or any other authority.

4. **National highways to vest in the Union.**—All national highways shall vest in the Union, and for the purposes of this Act “highways” include—

(i) all lands appurtenant thereto, whether demarcated or not;

(ii) all bridges, culverts, tunnels, causeways, carriage-ways and other structures constructed on or across such highways; and

(iii) all fences, trees, posts, and boundary, furlong and mile stones of such highways or any land appurtenant to such highways.

5. **Responsibility for development and maintenance of national highways.**—It shall be the responsibility of the Central Government to develop and maintain in proper repair all national highways; but the Central Government may, by notification in the Official Gazette, direct that any function in relation to the development or maintenance of any national highway shall, subject to such conditions, if any, as may be specified in the notification, also be exercisable by the Government of the State within which the national highway is situated or by any officer or authority subordinate to the Central Government or to the State Government.

6. **Power to issue directions.**—The Central Government may give directions to the Government of any State as to the carrying out in the State of any of the provisions of this Act or of any rule, notification or order made thereunder.

7. **Fees for services or benefits rendered on national highways.**—(1) The Central Government may, by notification in the Official Gazette, levy fees at such rates as may be laid down by rules made in this behalf for services or benefits rendered in relation to the use of ferries, temporary bridges and tunnels on national highways.

(2) Such fees when so levied shall be collected in accordance with the rules made under this Act.

(3) Any fee leviable immediately before the commencement of this Act for services or benefits rendered in relation to the use of ferries, temporary bridges and tunnels on any highway specified in the Schedule shall continue to be leviable under this Act unless and until it is altered in exercise of the power conferred by sub-section (1).

8. **Agreements with State Governments or municipalities.**—Notwithstanding anything contained in this Act, the Central Government may enter into an agreement with the Government of any State or with any authority entrusted with the control or management of any municipal area in relation to the development or maintenance of the whole or any part of a national highway situated within the State or, as the case may be, in relation to the development or maintenance of any such part of a highway situated within a municipal area as is referred to in sub-section (1) of section 2 and any such agreement may provide for the sharing of expenditure by the respective parties thereto.

9. **Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner in which, and the conditions subject to which, any function in relation to the development or maintenance of a national highway or any part thereof may be exercised by the State Government or any officer or authority subordinate to the Central Government or the State Government;
- (b) the rates at which fees for services rendered in relation to the use of ferries, temporary bridges and tunnels on any national highway may be levied and the manner in which such fees shall be collected;
- (c) the periodical inspection of national highways and the submission of inspection reports to the Central Government;
- (d) the reports on works carried out on national highways;
- (e) any other matter for which provision should be made under this Act.

10. **Laying of notifications, rules, etc., before Parliament.**—All notifications or agreements issued or entered into under this Act shall be laid before both Houses of Parliament as soon as may be after they are issued or entered into and all rules made under section 9 shall be laid for not less than thirty days before both Houses of Parliament as soon as may be after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

THE SCHEDULE

(See section 2)

NATIONAL HIGHWAYS

Serial No.	National Highway No.	Description of national highways
1	2	3
1	1	The highway connecting Delhi, Ambala, Jullundur and Amritsar and proceeding to the border between India and Pakistan.
2	1A	The highway connecting Jullundur, Madhopur, Jammu, Banihal, Srinagar, Baramula and Uri.
3	2	The highway connecting Delhi, Mathura, Agra, Kanpur, Allahabad, Banaras, Mohania, Barhi and Calcutta.
4	3	The highway connecting Agra, Gwalior, Shivpuri, Indore, Dhulia, Nasik, Thana and Bombay.
5	4	The highway starting from its junction near Thana with the highway specified in serial No. 4 and connecting Poona, Belgaum, Hubli, Bangalore, Ranipet and Madras.
6	5	The highway starting from its junction near Baharagora with the highway specified in serial No. 7 and connecting Cuttack, Bhubaneswar, Visakhapatnam, Vijayavada and Madras.
7	6	The highway starting from its junction near Dhulia with the highway specified

1	2	3
		in serial No. 4 and connecting Nagpur, Raipur, Sambalpur, Baharagora and Calcutta.
8	7	The highway starting from its junction near Banaras with the highway specified in serial No. 3 and connecting Mangawan, Rewa, Jabalpur, Lakhnadon, Nagpur, Hyderabad, Kurnool, Bangalore, Krishnagiri, Salem, Dindigul, Madurai and Cape Comorin.
9	8	The highway connecting Delhi, Jaipur, Ajmer, Udaipur, Ahmedabad, Baroda and Bombay.
10	8A	The highway connecting Ahmedabad, Limbdi, Morvi and Kandla.
11	8B	The highway starting from its junction near Bamanbhore with the highway specified in serial No. 10 and connecting Rajkot and Porbandar.
12	9	The highway connecting Poona, Sholapur, Hyderabad and Vijayavada.
13	10	The highway connecting Delhi and Fazilaka and proceeding to the border between India and Pakistan.
14	22	The highway connecting Ambala, Kalka, Simla, Narkanda, Rampur and Chini and proceeding to the Border between India and Tibet near Shipki-La.
15	24	The highway connecting Delhi, Bareilly and Lucknow.
16	25	The highway connecting Lucknow, Kanpur, Jhansi and Shivpuri.
17	26	The highway connecting Jhansi and Lakhnadon.
18	27	The highway connecting Allahabad with the highway specified in serial No. 8 near Mangawan.
19	28	The highway starting from its junction near Barauni with the highway specified in serial No. 23 and connecting Muzafrarpur, Pipra, Gorakhpur, and Lucknow.
20	28A	The highway starting from its junction near Pipra with the highway specified in serial No. 19 and connecting Sagauli and Raxaul and proceeding to the border between India and Nepal.
21	29	The highway connecting Gorakhpur, Ghazipur and Banaras.
22	30	The highway starting from its junction near Mohania with the highway specified in serial No. 3 and connecting Patna and Bakhtiyarpur.
23	31	The highway starting from its junction near Barhi with the highway specified in serial No. 3 and connecting Bakhtiyarpur, Mokameh, Purnea, Dalkhola, Siliguri, Sivok, and Cooch Behar and proceeding to its junction with the highway specified in serial No. 28 near Goalpara.
24	31A	The highway connecting Sivok and Gangtok.
25	33	The highway starting from its junction near Barhi with the highway specified in serial No. 3 and connecting Ranchi and Tatanagar and proceeding to its junction with the highway specified in serial No. 7 near Baharagora.
26	34	The highway starting from its junction near Dalkhola with the highway specified in serial No. 23 and connecting Berhampore, Barasat and Calcutta.
27	35	The highway connecting Barasat and Bongaon and proceeding to the border between India and Pakistan.
28	37	The highway starting from its junction near Goalpara with the highway specified in serial No. 23 and connecting Gauhati, Jorabat, Kamargaon, Makum and

1	2	3	1	2	3
29	38	Saikhoa Ghat. The highway connecting Makum, Ledo and Lekhapani.	34	45	serial No. 6 near Vizianagaram. The highway connecting Madras, Tiruchirapalli and Dindigul.
30	39	The highway connecting Kamargaon, Imphal, and Palel and proceeding to the border between India and Burma.	35	46	The highway connecting Krishnagiri and Ranipet.
31	40	The highway connecting Jorabat and Shillong and proceeding to the border between India and Pakistan near Dawki.	36	47	The highway connecting Salem, Coimbatore, Trichur, Ernakulam, Trivandrum and Cape Comorin.
32	42	The highway starting from its junction near Sambalpur with the highway specified in serial No. 7 and proceeding via Angul to its junction with the highway specified in serial No. 6 near Cuttack.	37	47A	The highway starting from its junction near Trichur with the highway specified in serial No. 36 and connecting with the West Coast Road near Chalisser.
33	43	The highway connecting Raipur and Vizianagaram and proceeding to its junction with the highway specified in	38	49	The highway connecting Madurai and Dhanushkodi.
			39	50	The highway connecting Nasik with the highway specified in serial No. 5 near Poona.

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 26th September, 1956

No. LR. 1-63/56.—The following Acts recently passed by the Parliament of India and already published in the Gazette of India, Extraordinary, Part II, Section I, dated 8th September, 1956 and 11th September, 1956 respectively, are hereby republished in the State Gazette for the information of the general public:—

1. The Appropriation (No. 3) Act, 1956 (No. 43 of 1956).
2. The Appropriation (No. 4) Act, 1956 (No. 44 of 1956).
3. The Newspapers (Price and Page) Act, 1956 (No. 45 of 1956).
4. The Constitution (Sixth Amendment) Act, 1956.

LAKSHMAN DASS,
Assistant Secretary (Judicial).

Received Assent on 7-9-56

THE APPROPRIATION (No. 3) ACT, 1956
(43 of 1956)

AN
ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Appropriation (No. 3) Act, 1956.
2. Issue of Rs. 89.65,19,000 out of the Consolidated Fund of India for the year 1956-57.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eighty-nine crores, sixty-five lakhs and nineteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1956-57, in respect of the services specified in column 2 of the Schedule.
3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
113	Capital Outlay of the Ministry of Commerce and Industry	1,000	..	1,000
126	Loans and Advances by the Central Government	5,25,00,000	..	5,25,00,000
128	Purchases of Foodgrains	80,48,22,000	..	80,48,22,000
131	Capital Outlay of the Ministry of Home Affairs	35,00,000	..	35,00,000
142	Other Capital Outlay of the Ministry of Transport	3,50,00,000	..	3,50,00,000
144	Capital Outlay on Buildings .. ..	..	6,96,000	6,96,000
	TOTAL	89,58,23,000	6,96,000	89,65,19,000

Received Assent on 7-9-56

THE APPROPRIATION (NO. 4) ACT, 1956

(44 of 1956)

AN
ACT

to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amount spent on certain services during the financial year ended on the 31st day of March, 1952, in excess of the amounts granted for those services and for that year.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Appropriation (No. 4) Act, 1956.
2. **Issue of Rs. 3,28,58,628 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st March, 1952.**—From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of 3 crores, twenty-eight lakhs, fifty-eight thousand, six hundred and twenty-eight rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on 31st day of March, 1952, in excess of the amounts granted for those services and for that year.
- 3.—**Appropriation.**—The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed, in the Schedule in relation to the financial year ended on the 31st day of March, 1952.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Excess		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
3	Commercial intelligence and Statistics	4,54,715	..	4,54,715
9	Ministry of Defence	28,805	..	28,805
15	Archaeology	8,130	..	8,130
30	Miscellaneous Departments	10,41,867	..	10,41,867
31	Currency .. ..	..	17,369	17,369
33	Superannuation Allowances and Pensions	1,18,311	..	1,18,311
34	Miscellaneous	1,25,43,893	27,612	1,25,71,505
35	Grants-in-aid to States .. ..	..	7,00,000	7,00,000
36	Miscellaneous adjustments between the Union and State Governments	56,852	..	56,852
38	Pre-partition Payment .. ..	..	3,63,650	3,63,650
	CHARGED—Interest on debt and other obligations .. ..	..	1,67,34,160	1,67,34,160
42	Survey of India	34,581	..	34,581
55	Civil Defence	13,878	..	13,878
58	Andamans and Nicobar Islands	3,24,216	..	3,24,216
64	Ministry of Natural Resources and Scientific Research	88,289	..	88,289
73	Territorial and Political Pensions .. ..	..	2,01,845	2,01,845
75	Himachal Pradesh .. ..	..	1,00,455	1,00,455
	TOTAL	1,47,13,537	1,81,48,091	3,28,58,628

Received Assent on 7-9-56

THE NEWSPAPER (PRICE AND PAGE) ACT, 1956

(45 of 1956)

AN
ACT

to provide for the regulation of the prices charged for newspapers in relation to their pages and of matters connected therewith for the purpose of preventing unfair competition among newspapers so that newspapers may have fuller opportunities of freedom of expression.

BE it enacted by Parliament in the Seventh Year of the Republic of India follows:—

1. **Short title, extent and duration.**—(1) This Act may be called the Newspaper (Price and Page) Act, 1956.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall cease to have effect on the expiration of a period of five years from its commencement except as respects things done or omitted to be done before the expiration thereof, and section 6 of the General Clauses Act, 1897 (10 of 1897) shall apply on the expiry of this Act as if it had then been repealed by a Central Act.

2. **Definitions.**—In this Act, unless the context otherwise requires,

(a) “daily newspaper” means a newspaper which is published on not less than six days in a week, and

includes any supplement or special edition of such newspaper;

- (b) "newspaper" means any printed periodical work containing public news or comments on public news appearing at intervals of not more than a week.

3. Power to regulate prices and pages of newspapers, etc.—(1) If the Central Government is of opinion that for the purpose of preventing unfair competition among newspapers so that newspapers generally and in particular, newspapers with smaller resources and those published in Indian languages may have fuller opportunities of freedom of expression, it is necessary or expedient so to do, the Central Government may, from time to time, by notification in the Official Gazette, make an order providing for the regulation of the prices charged for newspapers in relation to their maximum or minimum number of pages, sizes or areas and for the space to be allotted for advertising matter in relation to other matters therein.

- (2) An order under this section—

(a) may be made in relation to newspapers generally or in relation to any class of newspapers;

(b) may contain different provisions for daily newspapers and newspapers appearing at other periodical intervals and for different classes of newspapers, and may, in particular, make separate provisions for weekly editions of daily newspapers whether appearing under the same title or not, and also for supplements or special editions of newspapers issued on special occasions;

(c) shall be made relatable to such period of time as the Central Government may deem reasonable;

(d) may provide for incidental or supplementary matters.

(3) An order under this section shall be made with due regard to the need for reasonable flexibility with reference to the fall of news, the flow of advertisements and other matters connected with the normal working of newspapers.

(4) Before making any order under this section, the Central Government shall consult associations of publishers, and such publishers likely to be affected by the order as it may think fit with respect to the action proposed to be taken.

4. Prohibition of publication and sale of newspapers in contravention of order under section 3.—No newspaper shall be published or sold in the territories to which this Act extends in contravention of any of the provisions of an order made under section 3.

5. Returns to be furnished by newspapers.—For the purpose of verifying whether an order made under section 3 is being complied with or not, the Press Registrar appointed under the Press and Registration of Books Act, 1867 (25 of 1867) may, from time to time, direct the publisher of any newspaper to which such an order applies to furnish to him such weekly returns and statistics with respect to any of the particulars referred to in section 3 as the Press Registrar may, from time to time, require and the publisher of every newspaper shall comply with such direction.

6. Penalties.—(1) If any newspaper is published or sold in contravention of section 4, the publisher of the newspaper shall, on first conviction, be punishable with fine which may extend to one thousand rupees and on any second or subsequent conviction, with fine which may extend to two thousand rupees.

- (2) If the publisher of any newspaper—

(a) refuses or neglects to comply with any direction of the Press Registrar given under section 5; or

(b) furnishes or causes to be furnished to the Press Registrar any weekly returns or statistics which he has reason to believe to be false,

he shall be punishable with fine which may extend to five hundred rupees.

7. Cognizance of offences.—No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing by the Press Registrar appointed under the Press and Registration of Books Act,

1867 (25 of 1867) or by any officer authorised by him in writing in this behalf.

Received Assent on 11-9-56

THE CONSTITUTION (SIXTH AMENDMENT) ACT, 1956

AN
ACT

furth^r to amend the Constitution of India

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Constitution (Sixth Amendment) Act, 1956.

2. Amendment of the Seventh Schedule.—In the Seventh Schedule to the Constitution.—

(a) in the Union List, after entry 92, the following entry shall be inserted, namely:—

"92A. Taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce."; and

(b) in the State List, for entry 54, the following entry shall be substituted, namely:—

"54. Taxes on the sale or purchase of goods other than newspapers, subject to the provisions of entry 92A of List I."

3. Amendment of article 269.—In article 269 of the Constitution,—

(a) in clause (1), after sub-clause (f), the following sub-clause shall be inserted, namely:—

"(g) taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce."; and

(b) after clause (2), the following clause shall be inserted, namely:—

"(3) Parliament may by law formulate principles for determining when a sale or purchase of goods takes place in the course of inter-State trade or commerce."

4. Amendment of article 286.—In article 286 of the Constitution,—

(a) in clause (1), the *Explanation* shall be omitted; and

(b) for clauses (2) and (3), the following clauses shall be substituted, namely:—

"(2) Parliament may by law formulate principles for determining when a sale or purchase of goods takes place in any of the ways mentioned in clause (1).

(3) Any law of a State shall, in so far as it imposes, or authorises the imposition of, a tax on the sale or purchase of goods declared by Parliament by law to be of special importance in inter-State trade or commerce, be subject to such restrictions and conditions in regard to the system of levy, rates and other incidents of the tax as Parliament may by law specify."

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 15th November, 1956

No. LR. 1-62/56.—The River Boards Act, 1956 (No. 49 of 1956) recently passed by the Parliament of India and already published in gazette of India Extraordinary, Part II-Section 1, dated the 14th September, 1956, are hereby republished in the Himachal Pradesh Government Gazette for the information of the general public.

LAKSHMAN DASS,
Assistant Secretary (Judicial).

Received Assent 12-9-56

THE RIVER BOARDS ACT, 1956

(49 of 1956)

AN
ACT

to provide for the establishment of River Boards for the

regulation and development of inter-State rivers and river valleys.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. **Short title and commencement.**—(1) This Act may be called the River Boards Act, 1956.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Declaration as to expediency of control by Central Government.**—It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of inter-State rivers and river valleys to the extent hereinafter provided.

3. **Definitions.**—In this Act, unless the context otherwise requires,—

- (a) "Board" means a River Board established under section 4;
- (b) "Governments interested", in relation to a Board, means the Governments of those States which, in the opinion of the Central Government, are likely to be interested in, or effected by, the functions of the Board under this Act;
- (c) "member" means a member of a Board and includes its Chairman;
- (d) "prescribed" means prescribed by rules made under this Act.

CHAPTER II
ESTABLISHMENT OF RIVER BOARDS

4. **Establishment of Boards.**—(1) The Central Government may, on a request received in this behalf from a State Government or otherwise, by notification in the Official Gazette, establish a River Board for advising the Governments interested in relation to such matters concerning the regulation or development of an inter-State river or river valley or any specified part thereof and for performing such other functions; as may be specified in the notification, and different Boards may be established for different inter-State rivers or river valleys:

Provided that no such notification shall be issued except after consultation with the Governments interested with respect to the proposal to establish the Board, the persons to be appointed as members thereof and the functions which the Board may be empowered to perform.

(2) A Board may be established under such name as may be specified in the notification under sub-section (1).

(3) Every Board so established shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be sued.

(4) Every Board shall exercise its jurisdiction within such limits of the river (including its tributaries, if any) or river valley as may be specified in the notification under sub-section (1) and the area so specified shall be called the area of operation of the Board.

5. **Composition of Board.**—(1) The Board shall consist of a Chairman and such other members as the Central Government thinks fit to appoint.

(2) A person shall not be qualified for appointment as a member unless, in the opinion of the Central Government he has special knowledge and experience in irrigation, electrical engineering, flood control, navigation, water conservation, soil conservation, administration or finance.

6. **Terms and conditions of service of members.**—(1) A member shall, unless his appointment is terminated earlier by the Central Government, hold office for such period as may be notified in this behalf by the Central Government in the Official Gazette and shall, on the expiry of the term of his Office, be eligible for re-appointment.

(2) A member may resign his office by writing under his hand addressed to the Central Government but he shall continue in office until the appointment of his successor is notified in the Official Gazette.

(3) A casual vacancy created by the resignation of a member under sub-section (2) or for any other reason shall be filled by fresh appointment.

(4) A member may be appointed either as a whole-time or part-time member as the Central Government thinks fit.

(5) The terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

7. **Temporary absence of any member.**—If any member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the Central Government may appoint another person to act in his place.

8. **Meetings of Board.**—The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

9. **Vacancy in Board, etc., not to invalidate acts or proceedings.**—No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of any vacancy in the Board or any defect in the appointment of a member thereof.

10. **Appointment of advisory committee.**—The Board may, from time to time, appoint one or more advisory committee or committees for the purpose of enabling it to carry out its functions under this Act.

11. **Temporary association of persons with Board for particular purposes.**—(1) The Board may associate with itself in such manner and for such purposes as may be determined by regulations made under this Act any person whose assistance or advice it may desire in performing any of its functions under this Act.

(2) A person associated with the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relevant to that purpose, but shall not have a right to vote at a meeting of the Board, and shall not be a member for any other purpose.

12. **Staff of Board.**—Subject to such rules as may be made by the Central Government in this behalf, the Board may, for the purpose of enabling it to efficiently perform its functions or exercise its powers under this Act, appoint such officers as it may think fit and determine their functions and terms and conditions of service.

CHAPTER III

POWERS AND FUNCTIONS OF THE BOARD

13. **Matters in respect of which a Board may be authorised to tender advice.**—A Board may be empowered under sub-section (1) of section 14 to perform all or any of the following functions namely:—

- (a) advising the Governments interested on any matter concerning the regulation or development of any specified inter-State river or river valley within its area of operation and in particular, advising them in relation to the co-ordination of their activities with a view to resolve conflicts among them and to achieve maximum results in respect of the measures undertaken by them in the inter-State river or river valley for the purpose of—
 - (i) conservation, control and optimum utilisation of water resources of the inter-State river;
 - (ii) promotion and operation of schemes for irrigation, water supply or drainage;
 - (iii) promotion and operation of schemes for the development of hydroelectric power;
 - (iv) promotion and operation of schemes for flood control;
 - (v) promotion and control of navigation;
 - (vi) promotion of afforestation and control of soil erosion;
 - (vii) prevention of pollution of the waters of the inter-State river;
 - (viii) such other matters as may be prescribed;
- (b) preparing schemes, including multi-purpose schemes for the purpose of regulating or developing the inter-State river or river valley and advising

the Governments interested to undertake measures for executing the scheme prepared by the Board;

- (c) allocating among the Governments interested the costs of executing any scheme prepared by the Board and of maintaining any works undertaken in the execution of the scheme;
- (d) watching the progress of the measures undertaken by the Governments interested;
- (e) any other matter which is supplemental, incidental or consequential to any of the above functions.

14. Functions of Board.—(1) The Central Government, after consultation with the Governments interested, may, by notification in the Official Gazette, empower the Board to perform all or such of the functions under section 13 as may be specified in the notification.

(2) The Board shall exercise its powers and perform all the functions which it is empowered to do by or under this Act within its area of operation.

(3) In performing its functions under this Act, the Board shall consult the Governments interested at all stages and endeavour to secure, as far as may be practicable, agreement among such Governments.

15. Preparation of schemes by Board and their execution.—(1) Where any Board has been empowered to perform functions under clause (b) of section 13, the Board may, from time to time, prepare schemes, not inconsistent with its functions under this Act, for the purpose of regulating or developing any inter-State river or river valley within its area of operation.

(2) After preparing any such scheme, the Board shall consult the Governments interested and the Central Government in respect of the schemes and after considering their suggestions, if any, the Board may confirm, modify or reject the scheme.

(3) The scheme as confirmed or modified under subsection (2) shall thereupon become final and shall be called the approved scheme.

(4) Before any scheme is approved, the Board shall take into account the costs likely to be incurred in undertaking measures for executing the scheme and in maintaining any works to be undertaken in the execution of the scheme and the costs shall be allocated among the Governments interested in such proportion as may be agreed or, in default of agreement, as may be determined by the Board having regard to the benefits which will be received from the scheme by them.

(5) Every approved scheme shall be forwarded to the Governments interested and the Board may advise them to undertake measures for executing the scheme and a copy of the approved scheme shall also be forwarded to the Central Government.

(6) The Central Government may, on a request received in this behalf from any Government interested or otherwise, assist the governments interested in taking such steps as may be necessary for the execution of the scheme.

16. General powers of Board.—For the purpose of efficiently performing its functions under this Act, every Board may, within its area of operation,—

- (a) acquire, hold and dispose of such property, both movable and immovable, as it deems necessary;
- (b) undertake such preliminary investigation or surveys or other measures as it deems necessary;
- (c) inspect or cause to be inspected any works undertaken by any Government interested concerning the regulation or development of the inter-State river or river valley;
- (d) conduct and co-ordinate research on various aspects of the conservation, regulation or utilisation of water resources, such as water power generation, irrigation, navigation, flood control, soil conservation, land use and connected structural and design features;
- (e) collect such topographical, meteorological, hydrological and sub-soil water data as it deems necessary;
- (f) publish statistics or other information relating to the various aspects of the regulation or development of the inter-State river or river valley;

(g) require any Government interested to furnish such information as the Board may require in relation to—

- (i) the measures undertaken by that Government for the regulation or development of the inter-State river or river valley;
- (ii) the topographical, meteorological, hydrological and sub-soil water data;
- (iii) such other matters as may be prescribed.

17. Payment to Board.—The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board in each financial year such sums as the Central Government may consider necessary for the performance of the functions of the Board under this Act.

18. Fund of Board.—(1) The Board shall have its own fund, and all sums which may, from time to time, be paid to it by the Central Government or a State Government and all other receipts of the Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

(2) The Board may expend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Board.

19. Budget.—The Board shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government and the Governments interested.

20. Annual report.—The Board shall prepare, in such form and at such time each year as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and the Governments interested; and the Central Government shall cause every such report to be laid before both Houses of Parliament.

21. Accounts and audit.—(1) The Board shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed.

(2) The accounts of the Board shall be audited at such time and in such manner as may be prescribed.

CHAPTER IV

MISCELLANEOUS

22. Arbitration.—(1) Where any dispute or difference arises between two or more Governments interested with respect to—

- (a) any advice tendered by the Board under this Act;
- (b) any measures undertaken by any Government interested in pursuance of any advice tendered by the Board;
- (c) the refusal or neglect of any Government interested to undertake any measures in pursuance of any advice tendered by the Board;
- (d) the sharing of benefits or financial liabilities arising out of any advice tendered by the Board;
- (e) any other matter covered by this Act or touching or arising out of it,

any of the Governments interested may, in such form and in such manner as may be prescribed, refer the matter in dispute to arbitration.

(2) The arbitrator shall be a person to be appointed in this behalf by the Chief Justice of India from among persons who are, or have been, Judges of the Supreme Court or are Judges of a High Court.

(3) The arbitrator may appoint two or more persons as assessors to assist him in the proceeding before him.

(4) The decision of the arbitrator shall be final and binding on the parties to the dispute and shall be given effect to by them.

(5) Nothing in the Arbitration Act, 1940 (10 of 1940) shall apply to arbitrations under this section.

23. Returns and reports.—The Board shall furnish

to the Central Government such returns, statistics, accounts and other information with respect to its fund or activities as the Central Government may from time to time require.

24 Delegation of powers.—The Board may, by general or special order in writing, delegate to the Chairman or any other member or any officer of the Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary for the efficient running of the day-to-day administration of the Board.

25. Members and officers of Board to be public servants.—All members and officers of a Board shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

26. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against any member or officer of a Board in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

27. Dissolution of Board and transfer of assets and liabilities.—(1) When the Central Government is of opinion that a Board has performed its functions under this Act, the Central Government, after consultation with the Governments interested, may, by notification in the Official Gazette, declare that the Board shall be dissolved from such date as may be specified in this behalf in such notification; and the Board shall be deemed to have been dissolved accordingly.

(2) On the dissolution of the Board by a notification under sub-section (1).—

- (a) all properties, funds and dues which are vested in, or realisable by, the Board shall vest in, and be realisable by, such Government or authority as may be specified in the said notification; and
- (b) all liabilities which are enforceable against the Board shall be enforceable only against the Government or authority specified in the said notification.

28. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the salaries, allowances and conditions of service of members of the Board;
- (b) the matters in respect of which a Board may tender advice to the Governments interested under sub-clause (viii) of clause (a) of section 13;
- (c) the matters in respect of which the Board may require a Government interested to furnish information;
- (d) the manner in which the Central Government may assist the Governments interested to execute any scheme prepared by the Board;
- (e) the form in which, and the time within which, the budget and annual report of the Board may be prepared and forwarded to the Central Government and the Governments interested;
- (f) the form and manner in which the accounts of the Board may be maintained, and the time at which, and the manner in which, such accounts may be audited;
- (g) the returns and information which the Board may be required to furnish to the Central Government;
- (h) the form and manner in which a dispute may be referred to arbitration under this Act;
- (i) the procedure to be followed in arbitration proceedings under this Act;
- (j) the manner of recruitment of the officers of a Board and the terms and conditions of service of such officers;
- (k) any other matter which has to be, or may be, prescribed.

(3) All rules made under this section shall, as soon as practicable after they are made, be laid before both

Houses of Parliament.

29. Power to make regulations.—The Board may, with the previous approval of the Central Government, by notification in the Gazette of India, make regulations, not inconsistent with this Act or the rules made thereunder—

- (a) regulating the meetings of the Board and the procedure for conducting business thereat;
- (b) regulating the manner in which, and the purposes for which, advisory committees may be appointed;
- (c) regulating the manner in which and the purposes for which persons may be associated with the Board under section 11;
- (d) determining the terms and conditions of service of the members of advisory committees, of persons associated with the Board under section 11 and of all officers appointed by the Board.

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 15th November, 1956

No. LR. 1-62/56.—The following Acts recently passed by the Parliament of India and already published in the gazette of India Extraordinary, Part II-Section I, dated the 17th September, 1956, are hereby republished in the Himachal Pradesh Government Gazette for the information of the general public.

1. The Indian Cotton Cess (Amendment) Act, 1956 (No. 50 of 1956).
2. The Indian Institute of Technology (Kharagpur) Act, 1956 (No. 51 of 1956).
3. The Government Premises (Eviction) Amendment Act, 1956 (No. 52 of 1956).
4. The Lok Sahayak Sena Act, 1956 (Act No. 53 of 1956).
5. The Indian Post Office (Amendment) Act, 1956 (Act No. 54 of 1956).

LAKSHMAN DASS,
Assistant Secretary (Judicial).

Received Assent on 14-9-56

THE INDIAN COTTON CESS (AMENDMENT)

ACT, 1956
(50 of 1956)

AN
ACT

further to amend the Indian Cotton Cess Act, 1923.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Indian Cotton Cess (Amendment) Act, 1956.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2.—In section 2 of the Indian Cotton Cess Act, 1923 (14 of 1923) (hereinafter referred to as the principal Act),—

(a) after clause (d), the following clause shall be inserted, namely:—

“(dd) ‘managing agent’ has the meaning assigned to it in the Companies Act, 1956 (1 of 1956)”; and

(b) after clause (e), the following clause shall be inserted, namely:—

“(ee) ‘occupier’, in relation to a mill, means the person who has ultimate control over the affairs of the mill, and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the mill.”.

3. Substitution of new section for section 4.—For section 4 of the principal Act, the following section shall be substituted, namely:—

“4. **Constitution of Indian Central Cotton Committee.**—The Central Government shall cause to be constituted a Committee to be called the Indian Central Cotton Committee consisting of the following members namely:—

- (i) the Vice-President of the Indian Council of Agricultural Research;

- (ii) the Agricultural Commissioner with the Government of India;
- (iii) two persons to be nominated by the Central Government to represent that Government;
- (iv) fourteen persons to be nominated by the Central Government, to represent respectively the Agricultural Departments of the Governments of the States of Andhra, Bombay, Hyderabad, Madhya Bharat, Madhya Pradesh, Madras, Mysore, Patiala, and East Punjab States Union, Punjab, Rajasthan, Saurashtra, Travancore-Cochin, Uttar Pradesh and West Bengal;
- (v) three persons of whom two shall be elected by the members of the House of the People from among themselves and one shall be elected by the members of the Council of States from among themselves;
- (vi) twenty-six persons to be nominated by the Central Government in consultation with the State Governments concerned to represent the cotton growers, of whom five shall be nominated from each of the States of Bombay and Madhya Pradesh, four from the State of Hyderabad, two from each of the States of Madhya Bharat and Saurashtra, and one from each of the States of Andhra, Bhopal, Madras, Mysore, Patiala and East Punjab States Union, Punjab, Rajasthan and Uttar Pradesh;
- (vii) eight persons to be nominated, respectively, by the East India Cotton Association, the Bombay Millowners' Association, the Bombay Chamber of Commerce, the Indian Merchants' Chamber, Bombay, the Ahmedabad Millowners' Association, the Tuticorin Chamber of Commerce, the Upper India Chamber of Commerce and the Empire Cotton Growing Corporation;
- (viii) four persons to be nominated by the Central Government to represent the cotton manufacturing or cotton ginning industry, of whom two shall be nominated to represent the industry in the State of Madhya Pradesh, one to represent the industry in the State of Madras and one to represent the industry in the State of Punjab;
- (ix) one person having knowledge of co-operative banking to be nominated by the Central Government; and
- (x) such additional members, not exceeding six, as the Central Government may, by notification in the Official Gazette, appoint:

Provided that if within the period prescribed in this behalf, any authority specified in this section fails to nominate a person, the Central Government may itself appoint a member to fill the vacancy."

4. Amendment of sections 6, 7, 9 and 10.—In sections 6, 7, 9 and 10 of principal Act, for the word "owner" wherever it occurs, the word "occupier" shall be substituted.

5. Transition from existing constitution to new constitution.—The Committee to be constituted under section 4 of the principal Act, as amended hereby, may be constituted at any time after the passing of this Act and before its commencement, but the Committee as so constituted shall not begin to function till the commencement of this Act and on such commencement the term of office of the members of the Committee then existing shall expire.

Received Assent on 15-9-56

THE INDIAN INSTITUTE OF TECHNOLOGY (KHARAGPUR) ACT, 1956

(51 of 1956)

AN
ACT

to declare the institution known as the Indian Institute of Technology, Kharagpur to be an institution of national importance and to provide for its incorporation and matters connected therewith.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Indian Institute of Technology (Kharagpur)

Act, 1956.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration of the Indian Institute of Technology (Kharagpur) as an institution of national importance.—Whereas the objects of the institution known as the Indian Institute of Technology at Kharagpur in the district of Midnapore in the State of West Bengal are such as to make the institution one of national importance, it is hereby declared that the institution known as the Indian Institute of Technology, Kharagpur, is an institution of national importance.

3. Definitions.—In this Act, unless the context otherwise requires,—

- (a) "Academic Council" means the Academic Council of the Institute;
- (b) "Board" means the Board of Governors of the Institute;
- (c) "Chairman" means the Chairman of the Board;
- (d) "Deputy Director" means the Deputy Director of the Institute;
- (e) "Director" means the Director of the Institute;
- (f) "Finance Committee" means the Finance Committee of the Institute;
- (g) "Institute" means the Institute known as the Indian Institute of Technology, Kharagpur, incorporated under this Act;
- (h) "Registrar" means the Registrar of the Institute;
- (i) "Statutes" and "Ordinances" means respectively the Statutes and Ordinances of the Institute made under this Act.

4. Incorporation.—(1) The first Chairman, the first Director and the first members of the Board who shall be the persons appointed in this behalf by the Central Government, by notification in the Official Gazette, and all persons, who may hereafter become or be appointed as Officers or members of the Board, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the Indian Institute of Technology, Kharagpur.

(2) The Institute shall have perpetual succession and a common seal and shall sue and be sued by the said name.

5. Transfer of service of existing employees of the Indian Institute of Technology at Kharagpur.—(1) Subject to the provisions of this Act, every person who is permanently employed in the Indian Institute of Technology at Kharagpur immediately before the commencement of this Act shall, on and from such commencement, become an employee of the Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of commencement of this Act if this Act had not been passed.

(2) Notwithstanding anything contained in sub-section (1) the Institute may, with the prior approval of the Visitor, alter the terms and conditions of any employees specified in sub-section (1) and if the alteration is not acceptable to such employee his employment may be terminated by the Institute in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Institute of compensation equivalent to three months' remuneration.

(3) Every person employed in the Indian Institute of Technology at Kharagpur other than any such person as is referred to in sub-section (1) shall, on and from the commencement of this Act, become an employee of the Institute upon such terms and conditions as may be provided for in the Statutes, and until such provision is made on the terms and conditions applicable to him immediately before such commencement.

6. Powers of the Institute.—(1) The Institute shall have the following powers, namely:—

- (a) to provide for instruction and research in such branches of engineering and technology, applied sciences and applied arts, as the Institute may think

fit, and for the advancement of learning and dissemination of knowledge in such branches;

- (b) to hold examinations and grant degrees, diplomas and other academic distinctions, or titles to persons in the manner laid down by or under this Act;
- (c) to confer honorary degrees or other distinctions under conditions laid down by the Statutes;
- (d) to fix and demand such fees and other charges as may be laid down by the Statutes;
- (e) to establish, maintain and manage halls and hostels for the residence of students;
- (f) to supervise and control the residence and to regulate the discipline of students of the Institute and to make arrangements for promoting their health, general welfare and cultural and corporate life;
- (g) to provide for the maintenance of units of the National Cadet Corps for the students of the Institute;
- (h) to institute teaching, administrative and ministerial posts and to make appointments thereto (except in the case of the Director) in accordance with the Statutes;
- (i) to frame Statutes and Ordinances and to alter, modify or rescind the same in accordance with the procedure prescribed under this Act;
- (j) to deal with any property belonging to or vested in the Institute in such manner as the Institute may deem fit for advancing the objects of the Institute;
- (k) to receive gifts, grants, donations or benefactions from the Government and to receive bequests, donations and transfers of movable or immovable properties from testators, donors or transferors, as the case may be;
- (l) to co-operate with educational or other institutions in any part of the world having objects wholly or partly similar to those of the Institute by exchange of teachers, scholars and generally in such manner as may be conducive to their common objects;
- (m) to institute and award fellowships, scholarships, prizes and medals in accordance with the Statutes and Ordinances; and
- (n) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Institute.

(2) Notwithstanding anything contained in sub-section (1), the Institute shall not dispose of in any manner any immovable property, without the prior approval of the Visitor.

7. Institute to be open to all races, creeds and classes.

(1) The Institute shall be open to persons of either sex, of whatever race, creed, caste or class, and no test or condition shall be imposed as to religious belief or profession in admitting or appointing members, students, teachers, workers or in any other connection whatsoever.

(2) No benefaction shall hereafter be accepted by the Institute which in the opinion of the Board involves conditions or obligations opposed to the spirit and object of this section.

8. Teaching at the Institute.—All teaching at the Institute shall be conducted by or in the name of the Institute in the accordance with the Statutes or Ordinances made in this behalf.

9. Visitor.—(1) The President of India shall be the Visitor of the Institute.

(2) The Visitor may appoint one or more persons to review the work and progress of the Institute and to hold enquiries into the affairs thereof and to report thereon in such manner as the Visitor may direct.

(3) Upon receipt of any such report, the Visitor may take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the Institute shall be bound to comply with such directions.

10. Authorities of the Institute.—The following shall be the authorities of the Institute, namely:—

- (a) the Board;
- (b) the Academic Council;
- (c) the Finance Committee; and
- (d) such other authorities as may be declared by the Statutes to be the authorities of the Institute.

11. The Board.—The Board shall consist of the following persons, namely:—

- (a) the Chairman;
- (b) one non-official to be nominated by the Central Government;
- (c) one person to be nominated by the All-India Council for Technical Education;
- (d) the Chairman, University Grants Commission, *ex officio*;
- (e) the Director of Scientific and Industrial Research, Government of India, *ex officio*;
- (f) the Director, *ex officio*;
- (g) three persons nominated by the Central Government, one to represent the Ministry of Education, another the Ministry of Finance and the third the other Ministries;
- (h) three members of Parliament, two to be elected from among themselves by the members of the House of the People and one from among themselves by the members of the Council of States.

12. Term of office of, and vacancies among members of, the Board.—(1) Save as otherwise provided in this section, the term of office of a member of the Board shall be five years from the date of his nomination or election as the case may be:

Provided that the term of office of a member elected under clause (h) of section 11 shall come to an end as soon as he ceases to be a member of the House from which he was elected.

(2) The term of office of an *ex officio* member shall continue so long as he holds the office in virtue of which he is a member.

(3) The term of office of a member nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been nominated.

(4) Notwithstanding anything contained in this section, an out-going member shall, unless the Central Government otherwise directs, continue in office until another person is nominated or elected as a member in his place.

(5) The manner of filling casual vacancies among members shall be such as may be provided for in the Statutes.

(6) The members of the Board shall be entitled to such allowances, if any, from the Institute as may be provided for in the Statutes, but no member other than Direct or shall be entitled to any salary by reason of sub-section.

13. Functions of the Board.—(1) The Board shall be the supreme governing body of the Institute and shall exercise all the powers of the Institute not otherwise provided for by this Act, the Statutes and Ordinances, and shall have power to review the acts of the Finance Committee and the Academic Council.

(2) Subject to the provisions of this Act, the Board shall—

- (a) take decisions on major questions of policy relating to the administration and working of the Institute;
- (b) institute courses of study at the Institute;
- (c) make Statutes;
- (d) institute and appoint persons to teaching as well as non-teaching posts in the Institute in accordance with the procedure laid down in the Statutes;
- (e) consider and modify Ordinances;
- (f) consider and pass resolutions on the annual report, the annual accounts and the financial estimates as it thinks fit; and
- (g) exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act and the Statutes.

(3) The Board shall have power to appoint such committees as it considers necessary for the performance of its functions and duties.

14. Academic Council.—(1) The Academic Council shall consist of the following persons, namely:—

- (a) the Director, *ex officio*, who shall be the Chairman of the Council;
- (b) the Deputy Director, *ex officio*, who shall be the Vice-Chairman of the Council;
- (c) the Registrar; *ex officio*;
- (d) the professors appointed or recognised as such by

the Institute for the purpose of imparting instruction in the Institute;

(e) such other members of the staff as may be laid down in the Statutes;

(2) Subject to the provisions of this Act, Statutes and Ordinances, the Academic Council shall have the control and general regulation of, and be responsible for the maintenance of standards of instruction, education and examination in the Institute, and shall exercise such powers and perform such other duties as may be conferred or imposed upon it by the Statutes and shall advise the Board on all academic matters.

15. Finance Committee.—(1) The Finance Committee shall consist of the following persons, namely:—

(a) the Chairman, *ex officio* who shall be the Chairman of the Committee;

(b) two persons nominated by the Central Government;

(c) one person nominated by the Board; and

(d) the Director.

(2) The Finance Committee shall—

(a) examine and scrutinise the annual budget of the Institute prepared by the Director and make recommendations to the Board;

(b) approve proposals of reappropriation as between different departments of the Institute without affecting the total sanction of the grant;

(c) consider the periodical statements of accounts, reappropriation statements and the audit report and make recommendations to the Board;

(d) give its views and make its recommendations to the Board either on the initiative of the Board or of the Director, or on its own initiative on any financial question affecting the Institute.

16. Chairman.—(1) The Chairman shall be nominated by the Visitor and shall hold office for a period of five years.

(2) The Chairman shall ordinarily preside at the meetings of the Board and at the Convocations of the Institute.

(3) It shall be the duty of the Chairman to see that the decisions taken by the Board are given effect to.

(4) The Chairman shall have such other powers as may be conferred upon him by this Act or the Statutes.

17. Director.—(1) The Director shall be appointed by the Visitor out of a panel of three names submitted to him by the Board.

(2) The Director shall be the principal academic and executive officer of the Institute and shall be responsible for the proper administration of the Institute and for the imparting of instruction and maintenance of discipline therein.

(3) The Director shall have such other powers and perform such other duties as may be laid down in this Act or the Statutes or Ordinances.

18. Deputy Director.—The Deputy Director shall be appointed on such terms and conditions as may be laid down by the Statutes and shall perform such duties and exercise such powers as may be assigned to him by this Act or the Statutes or by the Director.

19. Registrar.—(1) The Registrar shall be a whole-time officer of the Institute and shall be appointed on such terms and conditions as may be laid down by the Statutes and shall be the custodian of records, the common seal, the funds of the Institute and such other property of the Institute as the Board shall commit to his charge.

(2) The Registrar shall act as the Secretary of the Board, the Academic Council, the Finance Committee and such other Committees as may be prescribed by this Act or the Statutes.

(3) The Registrar shall be directly responsible to the Director for the proper discharge of his duties and functions.

(4) The Registrar shall perform such other duties and exercise such other powers as may be assigned to him by this Act or the Statutes or by the Director.

20. Other authorities and officers.—The powers and duties of authorities and officers other than those hereinbefore mentioned shall be determined by the Statutes.

21. Grants by Central Government to the Institute.—For the purpose of enabling the Institute to discharge its functions efficiently under this Act, the Central Government may out of moneys provided by Parliament for the purpose pay to the Institute in each financial year such sums of money and in such manner as it may think fit.

22. Funds of the Institute.—(1) The Institute shall maintain a Fund to which shall be credited—

(a) all moneys provided by the Central Government;

(b) all fees and other charges received by the Institute;

(c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such Banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(3) The Fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under this Act.

23. Accounts and audit.—(1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same right privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, and other documents and papers and to inspect the offices of the Institute.

(4) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

24. Acts and proceedings not to be invalidated by vacancies, etc.—No act done or proceeding taken by the Institute, the Board, the Academic Council or the Finance Committee or any other body set up under this Act or the Statutes, shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Institute, the Board, the Academic Council, the Finance Committee or such body respectively.

25. Pension and provident fund.—(1) The Institute shall for the benefit of its officers including the Director, teachers and other servants, in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident funds as it may deem fit.

(2) Where any such pension, insurance or provident has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 (19 of 1925) shall apply to such fund as if it were a Government Provident Fund.

26. Appointments.—All appointments on the teaching or non-teaching staff of the Institute shall be made on the recommendation of a Selection Committee constituted for the purpose under the Statutes by—

(a) the Board with the prior concurrence of the Visitor if the appointment involves emoluments of fifteen hundred rupees or over per month;

(b) the Board, if the appointment involves emoluments of three hundred and fifty rupees or over but less

than fifteen hundred rupees per month;

(c) by the Director in any other case.

27. **Statutes.**—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

- (a) the conferment of honorary degrees;
- (b) the formation of department of teaching;
- (c) the fees to be charged for courses of study in the Institute and for admission of the examinations of degrees and diplomas of the Institute;
- (d) the institution of fellowships, scholarships, exhibitions, medals and prizes;
- (e) the term of office and the method of appointment of officers of the Institute;
- (f) qualifications of teachers of the Institute;
- (g) the classification and method of appointment and the determination of the terms and conditions of service of teachers and other staff of the Institute;
- (h) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers and other staff of the Institute;
- (i) the constitution, powers and duties of the authorities of the Institute;
- (j) the establishment and maintenance of halls and hostels;
- (k) the conditions of residence of students of the Institute and the levying of fees for residence in the halls and hostels and of other charges;
- (l) the manner of filling vacancies among members of the Board;
- (m) fixing allowances of the Chairman and members of the Board;
- (n) authentication of the orders and decisions of the Board;
- (o) the meetings of the Board, the Academic Council, the Finance Committee, or any other Committee, the quorum at such meetings and the procedure to be followed in the conduct of their business; and
- (p) any other matter which by this Act is to be or may be prescribed by the Statutes.

28. **Statutes how made.**—(1) The first Statutes shall be framed by the Chairman after consultation with the Director and with previous approval of the Visitor and a copy of the same shall be laid before Parliament.

(2) The Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may assent thereto or withhold assent or remit for further consideration.

(4) A Statute passed by the Board shall have no validity unless it has been assented to by the Visitor.

29. **Ordinances.**—Subject to the provisions of this Act and Statutes the Ordinances may provide for all or any of the following matters, namely:—

- (a) the admission of the students to the Institute;
- (b) the courses of study to be laid down for all degrees and diplomas of the Institute;
- (c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the Institute and shall be eligible for degrees and diplomas;
- (d) the conditions of award of the fellowships, scholarships, exhibitions, medals and prizes;
- (e) the conditions and power of appointment and duties of examining bodies, examiners and moderators;
- (f) the conduct of examinations;
- (g) the maintenance of discipline among the students of the Institute; and
- (h) any other matter which by this Act or the Statutes is to be or may be provided of by the Ordinances.

30. **Ordinances how made.**—(1) Save as otherwise provided in this section, Ordinances shall be made by the Academic Council.

(2) All Ordinances made by the Academic Council shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may

b2, to the Board and shall be considered by such Board at its next succeeding meeting.

(3) The Board shall have power by resolution to modify or cancel any such Ordinance and such Ordinance shall, from the date of such resolution stand modified accordingly or cancelled as the case may be.

31. **Tribunal of Arbitration.**—Every dispute arising out of a contract between the Institute and any of its officers or teachers shall be referred to a Tribunal of Arbitration consisting of one member nominated by the Board, one member nominated by the officer or teacher concerned and an umpire appointed by the Visitor, and the decision of the Tribunal shall be final.

Received Assent on 15-9-56

THE GOVERNMENT PREMISES (EVICTION) AMENDMENT ACT, 1956

(52 of 1956)

AN

ACT

further to amend the Government Premises (Eviction) Act, 1950.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Government Premises (Eviction) Amendment Act, 1956.

2. **Amendment of long title.**—In the long title of the Government Premises (Eviction) Act, 1950 (27 of 1950) (hereinafter referred to as the principal Act), for the words “certain persons from Government premises”, the words “persons from public premises in certain cases” shall be substituted.

3. **Amendment of section 1.**—In sub-section (1) of section 1 of the principal Act, for the words “Government Premises” the words “Public Premises” shall be substituted.

4. **Amendment of section 2.**—In section 2 of the principal Act,—

(a) for clause (b), the following clause shall be substituted, namely:—

“(b) ‘public premises’ means any premises belonging to, or taken on lease or requisitioned by, the Central Government, or requisitioned by the competent authority under the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952) and, in relation to the State of Delhi, includes any premises vested in the Delhi Improvement Trust or a local authority in that State, whether such premises are in the possession of, or have been leased out by, the Trust or local authority, as the case may be;”;

(b) in clause (c), for the words “means any building”, the words “means any land or any building” shall be substituted;

(c) after clause (d), the following clause shall be inserted, namely:—

“(e) ‘unauthorised occupation’, in relation to any person authorised to occupy any public premises, includes the continuance in occupation by him of the premises after the authority under which he was allowed to occupy the premises has been duly determined.”

5. **Amendment of section 3.**—In section 3 of the principal Act,—

(a) in sub-clause (a) (i) of sub-section (1), for the words “or of the competent authority”, the words “or of any other authority competent to permit such sub-letting” shall be substituted; and

(b) for the words “Government premises” wherever they occur, the words “public premises” shall be substituted.

6. **Amendment of sections 4 and 10.**—In sections 4 and 10 of the principal Act, for the words “Government premises”, wherever they occur, the words “public premises” shall be substituted.

Received Assent on 15-9-56

THE LOK SAHAYAK SENA ACT, 1956

(53 of 1956)

AN
ACT

to provide for the constitution of a Lok Sahayak Sena for imparting military training to citizens of India.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. Short title and extent.—(1) This Act may be called the Lok Sahayak Sena Act, 1956.

(2) It extends to the whole of India.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) 'camp' means any place established under section 4 as a camp where any body of volunteers is for the time being undergoing training;

(b) 'Force' means the Lok Sahayak Sena constituted under this Act;

(c) 'prescribed' means prescribed by rules made under this Act;

(d) 'superior officer' means any officer, junior commissioned officer, warrant officer or non-commissioned officer of the regular Army or of the Territorial Army;

(e) 'volunteer' means a person enrolled in the Force under this Act;

(f) all words and expressions used in this Act and not defined but defined in the Army Act, 1950 (46 of 1950) or in the Territorial Army Act, 1948 (56 of 1948) shall have the meanings respectively assigned to them in the said Acts.

3. Constitution of the Lok Sahayak Sena.—There shall be raised and maintained by the Central Government a force to be designated the Lok Sahayak Sena by the enrolment of volunteers in the manner hereinafter provided.

4. Establishment of camps.—The Central Government may establish such number of camps for the purposes of the Force as it thinks fit and may close down or re-establish any such camps.

5. Enrolment.—Any citizen of India not below the age of eighteen years and not above the age of forty years may offer himself for enrolment as a volunteer and may, if he satisfies the prescribed conditions, be enrolled in the prescribed manner by the prescribed authority for such period and subject to such conditions as may be prescribed.

6. Duties of volunteers.—No person shall, on the ground only of being a volunteer be liable for military service, but subject thereto a volunteer may be called upon to undergo such training as may be prescribed, and while undergoing such training shall perform such duties and discharge such obligations as the prescribed authority may, by general or special order, direct.

7. Discharge.—Every volunteer shall be entitled to receive his discharge from the Force on the expiration of the period for which he was enrolled, but may, prior to the expiration of that period, be discharged from the Force by such authority and subject to such conditions as may be prescribed.

8. Offences and penalties.—(1) If any volunteer commits any of the following offences, that is to say,—

(i) without sufficient cause fails to attend at any place when duly required to do so; or

(ii) while in camp on duty—

(a) absents himself from the camp without leave;

(b) uses criminal force or uses threatening or insubordinate language to a superior officer or assaults a superior officer;

(c) disobeys any lawful command of a superior officer;

(d) neglects to obey any standing, general or other orders by the officer commanding the camp;

(e) uses criminal force to, or assaults, any volunteer or any person subject to the Army Act, 1950 (46 of 1950) or the Territorial Army Act,

1948 (56 of 1948);

(f) knowingly does any act which is prejudicial to the maintenance of good order or military discipline in camp;

he shall be punishable summarily by order of the prescribed authority with fine which may extend to fifty rupees or in default, by being confined to barracks for a term which may extend to seven days.

(2) Any fine imposed by order of the prescribed authority under sub-section (1) may, on application made in this behalf by the prescribed authority to a magistrate having jurisdiction in the place where the volunteer resides or has a place of business, be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898 (5 of 1898), as if it were a fine imposed by such magistrate.

9. Liability for causing loss of, or damage to, Government property.—If any volunteer wilfully or negligently causes loss of, or damage to, any property of the Government, the prescribed authority, may after giving him an opportunity of being heard and after making such inquiry into the matter as it thinks fit, make an order requiring him to make good the loss or damage within such time as may be specified in the order or within such further time as may be allowed by the prescribed authority in this behalf, and where the amount thereof as determined by the prescribed authority is not paid within the time allowed, it shall, on application made by the prescribed authority to the Collector of the district in which the volunteer resides or has a place of business, be recovered from him in the same manner as an arrear of land revenue.

10. Presumption as to certain documents.—Where a volunteer is required by or in pursuance of any rule made under this Act to attend at any place, a certificate purporting to be signed by the prescribed officer stating that the volunteer so required to attend failed to do so in accordance with such requirement shall, without proof of the signature or appointment of such officer, be evidence of the matters stated therein.

11. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:—

(a) the authorities by which, the manner in which, the period for which, and the conditions subject to which, any person may be enrolled as a volunteer;

(b) the training, discipline, duties and obligations which a volunteer has to undergo, observe, perform or discharge under this Act;

(c) the authorities by which, and the conditions subject to which, a volunteer may be discharged;

(d) the manner in which, and the conditions subject to which, a volunteer may be called out for training or duties;

(e) the determination of authorities for the purposes of this Act;

(f) the officers by whom certificates may be signed under section 10; and

(g) any other matter which under this Act is to be or may be prescribed.

(3) All rules made under this section shall be laid before Parliament for a period of at least thirty days, as soon as may be after they are made, and shall be subject to such modifications as Parliament may make therein during the session in which they are so laid or the session immediately following.

Received Assent on 15-9-56

THE INDIAN POST OFFICE (AMENDMENT) ACT, 1956

(54 of 1956)

AN
ACT

further to amend the Indian Post Office Act, 1898.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Indian Post Office (Amendment) Act, 1956.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Substitution of a new Schedule for the First Schedule to Act 6 of 1898.**—For the First Schedule to the Indian Post Office Act, 1898 (6 of 1898), the following Schedule shall be substituted, namely:—

**“THE FIRST SCHEDULE
INLAND POSTAGE RATES
(See section 7)**

Letters

For a weight not exceeding one tola ..	13 naye paise
For every tola, or fraction thereof, exceeding one tola	6 naye paise

Postcards

Single	5 naye paise
Reply	10 naye paise

Book, Pattern and Sample Packets

For the first five tolas or fraction thereof	6 naye paise
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For every additional two and a half tolas or fraction thereof, in excess of five tolas.

3 naye paise

Registered Newspapers

For a weight not exceeding ten tolas .. 2 naye paise

For a weight exceeding ten tolas and not exceeding twenty tolas .. 3 naye paise

For every twenty tolas, or fraction thereof exceeding twenty tolas .. 3 naye paise

In the case of more than one copy of the same issue of a registered newspaper being carried in the same packet—

For a weight not exceeding ten tolas 3 naye paise

For every additional five tolas, or fraction thereof, in excess of ten tolas .. 2 naye paise

Provided that such packet shall not be delivered at any addressee's residence but shall be given to a recognised agent at the Post Office.

Parcels

For a weight not exceeding forty tolas.. 50 naye paise

For every forty tolas, fraction thereof exceeding forty tolas 50 naye paise.

**भाग 7—भारतीय निर्वाचन-आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं
तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं ।**

शून्य

अनुपूरक

(देखिये पृष्ठ 374 से 377)

DIRECTORATE OF ECONOMICS AND STATISTICS

BULLETIN OF AVERAGE WHOLESALE PRICES IN HIMACHAL PRADESH

No. DES. 117-89/56-IX.

Simla, Thursday, the 7th June, 1957

No. 5. C. D.

All prices in rupees per standard maund of 82-2/7 lbs. (equivalent to 3,200 tolas).

Commodity Centre 1	Prices on		Commodity Centre 1	Prices on	
	24-5-57 2	31-5-57 3		24-5-57 2	31-5-57 3
	Rs.	Rs.		Rs.	Rs.
A. FOOD GRAINS:			B. FOODGRAIN PRODUCTS AND PULSES:		
1. WHEAT (Ordinary)			7. WHEAT ATTA		
Per Maund—			(Water turbine made)		
Kasumpti	N.T.	N.T.	Per Maund—		
Theog	17.50	N.R.	Chamba	19.00	19.00
Rampur	N.R.	20.50	Kasumpti	20.00	19.75
Solan	14.00	14.00	Rampur	N.R.	23.00
Chamba	17.37	17.37	Mandi	20.00	N.R.
Chowari	16.00	15.00	Nahan	N.T.	N.T.
Nahan	15.00	16.00	Bilaspur	N.R.	16.00
Paonta	15.00	15.00	Average	19.33	19.44
Mandi	17.00	N.R.	8. GRAM DAL Per Maund—		
Jogindernagar	18.00	N.R.	Bilaspur	N.R.	20.00
Bilaspur	N.R.	14.00	Chamba	18.00	18.00
Average	16.39	15.97	Chowari	N.Q.	N.Q.
2. PADDY (Medium)			Kasumpti	20.00	19.50
Per Maund—			Rampur	N.R.	22.50
Rampur	N.R.	20.00	Mandi	17.50	N.R.
Nahan	12.00	12.00	Nahan	15.25	15.50
Paonta	10.00	10.00	Sundernagar	17.00	17.00
Rainka	N.R.	N.T.	Average	17.55	18.75
Chamba	N.A.	N.A.	9. MOONG (Whole)		
Chowari	N.Q.	N.Q.	Per Maund—		
Mandi	10.00	N.R.	Bilaspur	N.R.	25.00
Sundernagar	N.T.	N.T.	Chamba	22.00	22.00
Average	10.66	14.00	Kasumpti	22.50	22.50
3. RICE (Coarse)			Theog	22.50	N.R.
Per Maund—			Rampur	N.R.	30.00
Kasumpti	27.00	27.00	Mandi	21.00	N.R.
Theog	24.00	N.R.	Nahan	18.00	19.50
Rampur	N.R.	20.00	Paonta	20.00	20.00
Nahan	19.00	24.00	Average	21.63	23.16
Paonta	22.00	20.00	9A. MOONG DAL		
Rainka	N.R.	N.T.	(Split & Washed)		
Chamba	22.50	22.50	Per Maund—		
Mandi	25.00	N.R.	Bilaspur	N.R.	35.00
Sundernagar	16.00	16.00	Chamba	26.00	26.00
Average	22.21	0.782	Kasumpti	30.00	29.00
4. GRAM (Small and Red Variety) Per Maund—			Theog	24.00	N.R.
Kasumpti	15.00	15.00	Rampur	N.R.	35.00
Rampur	N.R.	19.00	Mandi	25.00	N.R.
Nahan	10.50	12.00	Nahan	19.00	20.00
Paonta	12.00	12.00	Average	24.13	29.00
Chamba	15.00	15.00	10. MASH (Whole)		
Chowari	N.Q.	N.Q.	Per Maund—		
Mandi	14.50	N.R.	Bilaspur	N.R.	25.00
Bilaspur	N.R.	12.50	Chamba	24.00	24.00
Sundernagar	12.00	12.00	Kasumpti	27.00	26.00
Average	13.17	13.93	Theog	22.00	N.R.
5. BARLEY Per Maund—			Rampur	N.R.	28.00
Rampur	N.R.	13.00	Mandi	25.00	N.R.
Chamba	N.A.	N.A.	Nahan	23.50	23.50
Nahan	9.00	10.00	Paonta	24.00	24.00
Mandi	12.50	N.R.	Average	24.25	25.16
Sundernagar	10.00	10.00			
Average	11.50	10.00			
6. MAIZE (Red) Per Maund—					
Kasumpti	13.50	13.75			
Theog	11.50	N.R.			

Commodity Centre 1	Prices on	
	24-5-57 2	31-5-57 3
	Rs.	Rs.
10A. MASH DAL (Split and Washed) Per Maund—		
Bilaspur ..	N.R.	35.00
Chamba ..	31.00	31.00
Kasumpti ..	33.00	32.00
Theog ..	28.00	N.R.
Mandi ..	27.00	N.R.
Nahan ..	26.00	26.00
Average ..	29.00	31.00
11. MASURE (Whole) Per Maund—		
Bilaspur ..	N.R.	25.00
Chamba ..	N.A.	N.A.
Kasumpti ..	25.00	25.00
Rampur ..	N.R.	20.00
Theog ..	15.00	N.R.
Mandi ..	16.00	N.R.
Nahan ..	15.00	16.00
Average ..	17.75	21.50
12. POTATOES (Special) Per Maund—		
Sarahan ..	15.00	N.R.
Nahan ..	N.Q.	N.T.
Paonta ..	10.00	10.00
Mandi ..	9.00	N.R.
Theog ..	15.00	N.R.
Kasumpti ..	N.T.	N.T.
Average ..	12.25	10.00
12A. POTATOES (Phul) Per Maund—		
Sarahan ..	12.00	N.R.
Nahan ..	12.00	13.00
Paonta ..	N.Q.	N.Q.
Mandi ..	8.00	N.R.
Theog ..	14.00	N.R.
Kasumpti ..	N.T.	N.T.
Average ..	11.50	13.00
13. ONIONS (Dry) Per Maund—		
Chamba ..	15.00	15.00
Kasumpti ..	10.00	10.00
Theog ..	9.00	N.R.
Mandi ..	7.00	N.R.
Nahan ..	5.00	5.00
Paonta ..	8.00	8.00
Average ..	9.00	9.50
14. CHILLIES (Dry Dandicut) Per Maund—		
Kasumpti ..	120.00	120.00
Rampur ..	N.R.	12.00
Mandi ..	80.00	N.R.
Nahan ..	95.00	95.00
Average ..	98.33	111.66
15. TURMERIC (Haldi) Powdered Per Maund—		
Chamba ..	50.00	50.00
Kasumpti ..	40.00	39.00
Mandi ..	60.00	N.R.
Nahan ..	20.00	20.00
Average ..	42.50	42.25
16. GINGER (Adrak) Per Maund—		
Chamba ..	N.A.	N.A.

Commodity Centre 1	Prices on	
	24-5-57 2	31-5-57 3
	Rs.	Rs.
Nahan ..	13.00	13.00
Mandi ..	40.00	N.R.
Average ..	26.50	13.00
D. PROVISIONS:		
17. GUR (Sort II) Per Maund—		
Kasumpti ..	16.00	15.00
Theog ..	15.00	N.R.
Mandi ..	16.00	N.R.
Chamba ..	19.00	19.00
Nahan ..	14.00	14.00
Paonta ..	12.00	12.00
Average ..	15.34	15.00
18. GHEE (Pure Desi) Per Maund—		
Kasumpti ..	220.00	220.00
Mandi ..	205.00	N.R.
Chamba ..	210.00	210.00
Nahan ..	193.00	200.00
Bilaspur ..	N.R.	220.00
Average ..	207.00	212.50
19. TOBACCO (Country leaf) Per Maund—		
Theog ..	N.Q.	N.R.
Solan ..	60.00	60.00
Sarahan ..	60.00	N.R.
Average ..	60.00	60.00
20. SALT (Sambar Salt) Per Maund—		
Kasumpti ..	N.T.	N.T.
Mandi ..	5.00	N.R.
Chamba ..	5.25	5.25
Nahan ..	3.19	3.19
Bilaspur ..	N.R.	4.50
Average ..	4.48	4.31
20A. SALT (Rock Salt) per Maund—		
Mandi ..	5.00	N.R.
Average ..	5.00	—
21. EGGS (of hen) Per Dozen—		
Kasumpti ..	2.25	2.25
Theog ..	2.25	N.R.
Mandi ..	1.87	N.R.
Chamba ..	2.25	2.25
Nahan ..	1.50	1.50
Bilaspur ..	N.R.	1.50
Average ..	2.02	1.87
22. MILK COW (Un- boiled) Per Seer—		
Kasumpti ..	N.T.	N.T.
Theog ..	0.75	N.R.
Rampur ..	N.R.	N.R.
Mandi ..	0.44	N.R.
Chamba ..	0.56	0.56
Nahan ..	0.50	0.56
Bilaspur ..	N.R.	N.T.
Average ..	0.56	0.56
23. MEAT (Goat) Per Seer—		
Rampur ..	N.R.	N.Q.
Mandi ..	1.75	N.R.
Chamba ..	1.50	1.50
Nahan ..	1.75	1.75
Bilaspur ..	N.R.	1.25
Average ..	1.67	1.50

Commodity Centre 1	Prices on		Commodity Centre 1	Prices on	
	24-5-57 2	31-5-57 3		24-5-57 2	31-5-57 3
	Rs.	Rs.		Rs.	Rs.
24. TEA (Lipton) Per lb.—			Sundernagar	10.00	10.00
Rampur	N.R.	N.R.	Average	10.00	10.00
Mandi	2.75	N.R.	31. WHEAT STRAW		
Chamba	2.38	2.38	Per Maund—		
Nahan	2.62	2.62	Kasumpti	N.Q.	N.Q.
Bilaspur	N.R.	2.50	Mandi	N.Q.	N.R.
Average	2.58	2.50	Nahan	N.T.	N.Q.
			Average	—	—
E. OILS AND OIL SEEDS:			32. PADDY BRAN		
25. SARSON SEED			Per Maund—		
(White) Per Maund—			Mandi	N.Q.	N.R.
Rampur	N.R.	N.Q.	Paonta	N.Q.	N.Q.
Mandi	35.00	N.R.	Sundernagar	3.00	3.00
Jogindernagar	35.00	N.R.	Average	3.00	3.00
Chamba	N.A.	N.A.	G. INDUSTRIAL RAW		
Nahan	N.Q.	N.Q.	MATERIALS:		
Average	35.00	—	33. COW HIDES (Dry		
25A. SARSON SEED			Country) Per Maund—		
(Yellow) Per Maund—			Rampur	N.R.	N.Q.
Rampur	N.R.	N.Q.	Theog	5.00	N.R.
Mandi	35.00	N.R.	Chamba	N.A.	N.A.
Jogindernagar	28.00	N.R.	Average	5.00	—
Chamba	N.Q.	N.Q.	34. SHEEP SKINS (Raw)		
Nahan	31.00	31.00	Per lb.—		
Average	31.33	31.00	Rampur	N.R.	N.Q.
26. GROUND NUT			Theog	2.50	N.R.
(Unshelled) Per			Chamba	N.A.	N.A.
Maund—			Nahan	2.75	2.75
Rampur	N.R.	32.00	Bilaspur	N.R.	N.Q.
Mandi	25.00	N.R.	Average	2.62	2.75
Chamba	N.A.	N.A.	34A. GOAT SKINS		
Nahan	N.Q.	N.Q.	(Raw) Per lb.—		
Average	25.00	32.00	Rampur	N.R.	N.Q.
27. SARSON OIL			Theog	3.00	N.R.
(Kohlu extracted)			Chamba	N.A.	N.A.
Per Maund—			Nahan	2.75	2.75
Rampur	N.R.	96.00	Bilaspur	N.R.	N.Q.
Mandi	85.00	N.R.	Average	2.87	2.75
Chamba	90.00	90.00	35. COTTON UNGINNED		
Nahan	85.00	85.00	(Desi) Per Maund—		
Average	86.70	90.33	Kasumpti	N.T.	N.T.
F. ANIMAL FEEDS:			Rampur	N.R.	N.Q.
28. COTTON SEEDS			Mandi	N.Q.	N.R.
(Desi Black) Per			Nahan	N.Q.	N.Q.
Maund—			Bilaspur	N.R.	N.T.
Rampur	N.R.	N.Q.	Average	—	—
Mandi	15.00	N.R.	36. COTTON GINNED		
Chamba	N.A.	N.A.	(Desi) Per Maund—		
Nahan	15.00	15.00	Kasumpti	N.T.	N.T.
Theog	N.Q.	N.R.	Rampur	N.R.	N.Q.
Paonta	14.00	14.00	Mandi	N.Q.	N.R.
Bilaspur	N.R.	17.50	Nahan	70.00	70.00
Average	14.67	15.00	Bilaspur	N.R.	80.00
29. SARSON CAKE			Average	70.00	75.00
(Kohlu Made) Per			37. WOOL (Desi) Per		
Maund—			Maund—		
Kasumpti	8.00	7.75	Kasumpti	N.T.	N.T.
Theog	N.Q.	N.R.	Theog	N.Q.	N.R.
Mandi	20.00	N.R.	Chamba	N.A.	N.A.
Chamba	17.00	17.00	Mandi	N.Q.	N.R.
Nahan	15.00	15.00	Average	—	—
Paonta	14.00	14.00	38. TIMBER (Dayar).		
Bilaspur	N.R.	N.Q.	Per Cubic Foot—		
Average	14.80	12.81	Mandi	6.00	N.R.
30. WHEAT BRAN			Jogindernagar	N.R.	N.Q.
Per Maund—			Chamba	6.00	6.00
Kasumpti	N.Q.	N.Q.	Nahan	N.T.	N.T.
Mandi	10.00	N.R.	Average	6.00	6.00
Nahan	N.T.	N.Q.			

Commodity Centre 1	Prices on	
	24-5-57 2	31-5-57 3
	Rs.	Rs.
38A. TIMBER (Kail)		
Per Cubic Foot—		
Mandi	4.50	N.R.
Jogindernagar	N.R.	N.Q.
Chamba	2.38	2.38
Nahan	N.T.	N.T.
Average	3.44	2.38
H. MANUFACTURES:		
39. COARSE CLOTH		
20 Yards Piece—		
Rampur	N.R.	N.Q.
Mandi	N.Q.	N.R.
Chamba	12.00	12.00
Nahan	10.00	10.00
Bilaspur	N.R.	14.00
Average	11.00	12.00
39A. POPLIN 20 Yards		
Piece—		
Rampur	N.R.	N.Q.
Mandi	N.Q.	N.R.
Chamba	25.00	25.00
Nahan	20.00	20.00
Bilaspur	N.R.	30.00
Average	22.00	25.00
39B. DHOTI Per Pair—		
Rampur	N.R.	N.Q.
Mandi	N.Q.	N.R.
Chamba	9.00	9.00
Nahan	12.00	12.00
Bilaspur	N.R.	12.00
Average	10.50	11.00
39C. COTTON YARN		
Per 10 lbs.—		
Rampur	N.R.	N.Q.
Mandi	N.Q.	N.R.
Chamba	24.00	24.00
Nahan	12.00	12.00
Bilaspur	N.R.	15.00
Average	18.00	17.00
40. GUNNY BAGS (B-		
Twills 2½ lb.) Per 100		
Bags—		
Kasumpti	N.T.	N.T.
Rampur	N.R.	125.00
Theog	N.Q.	N.R.
Mandi	100.00	N.R.
Chamba	125.00	125.00
Nahan	137.50	137.50
Paonta	137.00	137.00
Sarahan	140.00	N.R.
Bilaspur	N.R.	125.00
Average	127.80	129.90
41. NAILS (Tata) Per		
Seer—		
Rampur	N.R.	N.Q.
Mandi	N.Q.	N.R.
Chamba	N.A.	N.A.
Nahan	1.50	1.50
Average	1.50	1.50
42. ROUND IRON		
Per Maund—		
Rampur	N.R.	N.Q.
Mandi	N.Q.	N.R.
Chamba	N.A.	N.A.
Nahan	30.00	30.00
Bilaspur	N.R.	35.00
Average	30.00	32.50

Commodity Centre 1	Prices on	
	24-5-57 2	31-5-57 3
	Rs.	Rs.
43. KEROSENE OIL		
(Elephant Brand) tin		
of 24 Bottles—		
Rampur	N.R.	N.Q.
Mandi	8.50	N.R.
Chamba	9.50	9.50
Nahan	6.25	6.25
Bilaspur	N.R.	N.T.
Average	8.06	7.87
44. CEMENT Per Bag—		
Rampur	N.R.	N.Q.
Mandi	N.Q.	N.R.
Chamba	10.50	10.50
Nahan	6.75	6.75
Bilaspur	N.R.	7.87
Average	8.57	8.37
45. PAPER FOOLSCAP		
(10 lbs.) per ream—		
Rampur	N.R.	N.Q.
Mandi	N.Q.	N.R.
Chamba	7.50	7.50
Nahan	7.50	7.50
Bilaspur	N.R.	N.T.
Average	7.50	7.50
46. WASHING SOAP		
(Desi) Per Maund—		
Kasumpti	60.00	60.00
Theog	40.00	N.R.
Rampur	N.R.	N.Q.
Mandi	60.00	N.R.
Chamba	50.00	50.00
Nahan	40.00	40.00
Average	50.00	50.67
I. MISCELLANEOUS:		
47. FIREWOOD Per		
Maund—		
Rampur	N.R.	N.Q.
Mandi	1.75	N.R.
Chamba	N.A.	N.A.
Nahan	1.37	1.38
Bilaspur	N.R.	2.00
Average	1.56	1.69
48. CHARCOAL Per		
Maund—		
Rampur	N.R.	N.Q.
Mandi	4.00	N.R.
Chamba	4.00	4.00
Nahan	3.00	3.00
Bilaspur	N.R.	8.00
Average	3.66	5.00
49. GOLD Per Tola—		
Rampur	N.R.	N.Q.
Mandi	108.00	N.R.
Chamba	106.00	106.00
Average	107.00	106.00
50. SILVER Per 100 Tolas—		
Rampur	N.R.	N.Q.
Mandi	187.00	N.R.
Chamba	180.00	180.00
Average	183.50	180.00

N.A. = Not Available.
 N.Q. = Not Quoted.
 N.R. = Not Received.
 N.T. = No Transaction.

LATE RECEIVED

PART I

MEDICAL AND PUBLIC HEALTH DEPARTMENT

Simla-4, the 13th June, 1957

No. M.P.H. 19/231/57.—The following order of the Lieutenant Governor of Himachal Pradesh is published for general information:—

**ORDER OF THE LIEUTENANT GOVERNOR
OF THE HIMACHAL PRADESH**

Simla-4, the 13th June, 1957

No. M.P.H. 19-231/57.—Whereas the Lieutenant Governor of the Himachal Pradesh is satisfied that Himachal Pradesh is threatened with an outbreak of dangerous epidemic disease, namely, Influenza, and that the ordinary provisions of the law for the time being in force are insufficient to prevent the spread of this disease, now, therefore, the Lieutenant Governor of the Himachal Pradesh, in exercise of the powers conferred by section 2 of the Epidemic Disease Act, 1897, is pleased:—

1. to declare Influenza as a 'Notifiable Disease' in Himachal Pradesh;

2. to empower all the Deputy Commissioners in Himachal Pradesh within their respective districts:—

- (a) to establish check posts at various routes of entry to scrutinise the travellers;
 - (b) to render necessary assistance to any person suffering from Influenza;
 - (c) to inform this administration from time to time in regard to the incidence of influenza outbreak;
 - (d) to prohibit congregations in fairs and festivals, marriage and death ceremonies;
 - (e) to prohibit assemblage in restaurants, hotels and cinemas where there is a greater chance of contracting infection in closed atmosphere;
 - (f) to order the stoppage of unnecessary travel by lorry and train where there are more chances of contracting infection from infected persons;
 - (g) to order the closure of cinemas;
 - (h) to order the closure of schools, colleges, places of public entertainment and factories;
 - (i) to set apart suitable places for the isolation of infected patients;
 - (j) to fix places for the encamping of people, picketing of animals and parking of vehicles in the manner directed;
 - (k) to establish isolation hospital and medical inspection posts;
 - (l) to order the removal and detention of any persons suffering from or suspected to be suffering from Influenza to an isolation camp or hospital for treatment and segregation for a period not exceeding 7 days;
 - (m) to prohibit the holding of any fair in the district;
- Whereas the Lieutenant Governor of the Himachal Pradesh is satisfied that all the districts of Himachal Pradesh are threatened with an outbreak of a dangerous epidemic disease, namely Influenza, and that the ordinary provisions of the law for the time being in force are insufficient to prevent the spread of this disease, now, therefore, the Lieutenant Governor of Himachal Pradesh in exercise of the powers conferred by section 2 of the Epidemic Disease Act, 1897, is pleased to make the following Regulations:—

REGULATIONS

1. In these regulations—
 - (a) "Epidemic disease" means Influenza;
 - (b) "Inspection post" means any place which may be declared by the Deputy Commissioner concerned in exercise of the powers conferred upon him by Order No. M.P.H. 19-231/57, dated the 13th June, 1957, to be an inspection post;
 - (c) "Inspecting Medical Officer" means a person appointed by the District Medical Officer concerned to be an inspecting medical officer.
2. Every inspecting medical officer who is unavoidably

prevented from discharging all or any of his functions as such may by order in writing appoint any Assistant Surgeon, Class I or II, Superintendent of Vaccination and Sanitary Inspector temporarily to discharge such functions and every Assistant Surgeon, Superintendent of Vaccination or Vaccinator, Sanitary Inspector so appointed shall, so far as such functions are concerned, be deemed, for the purpose of these regulations, to be an inspecting medical officer.

3. Any inspecting medical officer, may, at his inspection post, direct any person travelling by railway to remain in the carriage in which he is travelling or to leave the carriage in which he is travelling and come on to the platform or on to the line, and may prohibit any such person from leaving the platform of any other portion of the place of inspection.

4. (1) Any inspecting medical officer may at his inspection post, make a medical inspection and examination of any person travelling by railway or by road in such manner and to such extent as he thinks necessary in order to ascertain whether there is any reason to believe or suspect that such person is or may be infected with an epidemic disease; provided that such inspection or examination shall not be made in any manner or to any extent to which such person objects.

(2) An inspecting medical officer may put to any such person any question he thinks fit in order to ascertain whether there is reason to believe or suspect as aforesaid and such person shall be bound to answer truly any question so put to him.

5. Whereas the result of such inspection or examination or otherwise, the inspecting medical officer considers that there is reason to believe or that any person is or may be infected with an epidemic disease, or where any person makes any objection under the proviso to clause (1) to regulation 4, the inspecting medical officer may direct that such person be removed to and detained in any isolation camp or hospital established by the Deputy Commissioner concerned in exercise of the powers conferred upon him by Order No. M.P.H. 19-231/57, dated the 13th June, 1957 of the Lt.-Governor of Himachal Pradesh until the inspection medical officer, or the Medical Officer, Incharge of such isolation camp or hospital or the District Medical Officer of the district concerned certifies in writing that, in his opinion, there is no longer any reason for believing or suspecting such person to be infected as aforesaid.

7. Any person in respect of whom a direction has not been given under regulation 5 may apply to the inspecting medical officer to be allowed to attend upon any person in respect of whom such a direction has been given, and the inspecting medical officer shall, except for reason to be recorded by him in writing, grant such application.

8. Any person who has made an application under regulation 6 and whose application has been granted shall be detained in such buildings, tent or other place whether near the inspection post or elsewhere, as the inspecting medical officer may direct until the inspecting medical officer or the medical officer incharge of an isolation camp or hospital or the District Medical Officer of the district concerned certifies in writing that, in his opinion, there is no longer any reason for detaining such person.

9. No person in respect of whom a direction under regulation 5 or 7 has been given shall leave any isolation camp or hospital in which an inspecting medical officer has directed him to be detained until such inspecting medical officer certifies in writing that, in his opinion, there is no longer any reason for believing or suspecting such person as the case may be.

10. These regulations shall remain in force during the period from the date of this notification till further order.

By order,
INDAR SEN,
Secretary (Medical).